



# **Town of Randolph, Massachusetts**

## **Board of Health**

1 Turner Lane  
RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

**FAX (781) 961-0927**

### **Members:**

Mark Kittredge, Chair  
Tomas Fisher, V. Chair  
Dr. David Kaplan, CHO, RS, Member

Priscilla MacDougall, Clerk  
John McVeigh PHA, Director

# **REGULATIONS OF THE BOARD OF HEALTH**

## **ARTICLE I. IN GENERAL**

### **1.0 Definitions:**

**BOARD OF HEALTH:** means the legally constituted Board of Health of the Town of Randolph, Massachusetts, or its agents.

**OPERATOR:** means the person in control of a particular establishment.

**PERSON:** means any person, company, corporation, trust, or any other entity.

**SMOKING:** means the lighting or having the possession of any lighted cigarette, cigar, pipe or other tobacco product.

### **Section**

#### **Sec. 1.1 AUTHORITY:**

Under the authority Chapter 111: Section 31 Health regulations; summary publication; hearings; filing sanitary codes and related rules, etc. Local Boards of health hereby may make any reasonable health regulations in regards to public health matters

**State law references**—Public Health, generally, G.L. c. 111. State Sanitary Code: adoption, enforcement and jurisdiction, G.L. c 111, Sec. 127A; State Sanitary Code, 105 CMR 410, et seq. Crimes against public health, G.L. c. 270. Solid waste disposal, G.L. c. 16, Sec. 18.

**1.2 The Sanitary Codes and Environmental Codes of the Commonwealth are hereby adopted in its entirety with additions as adopted by the Board of Health if noted.**

**(A) Sanitary Code: General Application and Administration.**

105 CMR 400, Chapter I of the State Sanitary Code

105 CMR 410 Minimum Standards of Fitness for Human Habitation.

105 CMR 420 Housing and Sanitation Standards for Farm Labor Camps.

105 CMR 430 Sanitation Standards for Recreational Camps for Children.

105 CMR 435 Minimum Standards for Swimming Pools.

105 CMR 440 Minimum Standards for Developed Family Type Camp Grounds.

105 CMR 445 Minimum Standards for Bathing Beaches.

105 CMR 480 Storage Disposal Infectious Waste.

105 CMR 520 Labeling.

105 CMR 500 Good Manufacturing Foods

105 CMR 590 Minimum Sanitation Standards for Food Service Establishments.

105 CMR 561 Frozen Dessert and Soft serve

105 CMR 123 Tanning Facilities.

MGL chapter 270, section 22 Massachusetts Smoke-free Workplace Law

105 CMR 460.000 Lead Poisoning Prevention and Control Regulations

105 CMR 675.000 Requirements To Maintain Air Quality In Indoor Skating Rinks

310 CMR 19.000: Solid Waste Management

105 CMR 480.000 Storage and Disposal of Infectious Waste

**(B) Environmental Codes:**

310 CMR 15 Title 5 - Standard Requirements for Disposal of Septage.

The Massachusetts Hazardous Waste Management Act, Chapter 21C

310 CMR 30.000, Massachusetts Hazardous Waste Regulations

310 CMR 40.000 Massachusetts Contingency Plan

310 CMR 7.06-7.24 Air Pollution Noise Control Regs

**(C) Local Health Regulations:**

Smoking Regulations (repealed for state regulations 2004)

Rubbish and Trash adopted 2002

Body Piercing Art Regulations adopted November 2000

Smoking Regulations Distribution of Tobacco Product adopted 1999

Private Well Regulations adopted 1995

Pool Regulations adopted 1988

Dumpster Regulations adopted 1987

Massage Regulations, Vapor Pools and Baths adopted 1973

Regulations Body Art Establishment and Practitioners (revised) 2006

Regulation for the use of rDNA Molecule Technology and Infectious Agents 2006

### **1.3 Violation - Penalty.**

### **1.4 Criminal Disposition**

Whoever violates any provision of these Regulations may be prosecuted in a court of competent jurisdiction.

### **1.5 Non-Criminal disposition.**

Violation of any of the regulations of the Board of Health may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A (“Non-Criminal Disposition”) of the Town of Randolph Bylaws. This does not limit the Town in any way from seeking criminal or civil remedies at a court of competent jurisdiction. The specific non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall, unless specifically provided otherwise in these regulations, be as follows:

First offense within a twelve-month period	\$ 25.00
Second offense within a twelve-month period	\$ 50.00
Third and subsequent offenses within a twelve-month period	\$ 100.00

Each day any violation shall continue shall constitute a separate offense.

**State law reference**—G.L. c. 40, sec 21D.

**Enforcing Persons:**        **Board of Health and its designees.**

### **1.5 (a) Non-Criminal disposition penalty for violation of Sanitary Code.**

The non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall be twenty-five (\$25) dollars, except that any violation defined as a “critical violation” in Chapter 10 of the State Sanitary Code “Minimum Sanitation Standards for Food Establishments,” as adopted by Board of Health pursuant to this Section, shall be as follows:

First offense within a twelve month period	\$100
Second offense within a twelve month period	\$ 25
Third and subsequent offenses within a twelve month period	\$ 25

Each day any violation shall continue shall constitute a separate offense.

**State law reference**—G.L. c. 40, sec. 21D.

**Cross reference**—1-4A.

**1.5(b) Non-Criminal disposition penalty for Smoking in a Workplace.**

The non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall be twenty-five (\$25) dollars, except that any violation defined as “MGL chapter 270, section 22 ,Massachusetts Smoke-free Workplace Law” and “Distribution of Tobacco Product” as adopted by Board of Health pursuant to this Section, shall be as follows:

First offense within a twelve month period	\$100
Second offense within a within 1 years of first offense	\$ 200
Third and subsequent offenses within 1 years of first offense	\$ 300

Each violation shall constitute a separate offense.

**State law reference**—G.L. c. 40, sec. 21D.

Approved Date:\_\_\_\_\_

This regulation shall take effect December14, 2004

Signed by Board of Health

\_\_\_\_\_  
Mark Kittredge, Chairman

\_\_\_\_\_  
Thomas Fisher, Vice Chair

\_\_\_\_\_  
Dr. David Kaplan , CHO, RS, Member



**The Board of Health, Town of Randolph, Massachusetts in accordance with, and under the authority granted by Sections 31A and 31B of Chapter 111 of the General Laws of the Commonwealth of Massachusetts hereby adopted the following rules and regulations at a meeting of the Board held on March 23, 1987.**

**Effective Date: These regulations shall take effect on Mary 1, 1987.**

**Amended Date: August 25, 1997**

**Amended Date: August 24, 1998**

**Amended Date: March 18, 2002**

**DUMPSTER REGULATIONS AND FOR THE REMOVAL AND  
TRANSPORTATION OF GARBAGE, RUBBISH, OFFAL OR OTHER  
OFFENSIVE SUBSTANCES**

- 1. Each dumpster must be located at a distance of 50 feet from the lot line as not to interfere with the safety, convenience or health of abutters or residents. Dumpster location must be approved by the Board of Health. Dumpster as used in these regulations means any container including compactors and cardboard recyclers other than a conventional trash can with lid used for the outside storage of garbage, rubbish or refuse of any sort.**
- 2. The Board of Health, requires that a dumpster site be enclosed or screened by the property owner or authorized agent.**
- 3. Each dumpster must be of sufficient size and capacity to eliminate overflowing, and the property owner or authorized agent of the premises utilizing the service must take appropriate action immediately to empty contents when full.**
- 4. Each dumpster must be situated so as not to obstruct the view of flowing traffic.**
- 5. It shall be the responsibility of the owner or agent whose property is being serviced to maintain the dumpster area free of odors, scattered debris, overflowing, and all other nuisances.**
- 6. It shall also be the responsibility of the owner or agent whose property is being serviced by the dumpster to maintain the dumpster's lid in a closed and locked condition at all times except when actually in the process of placing refuse in the dumpster. A violation of Section 6 will result in a \$50.00 fine per offense.**

7. **Dumpsters are to be for the use of only those individuals who are authorized by the owner or agent whose property is being serviced. All unauthorized use shall be considered a trespass of private property. Said owner or agent may post a sign stating that "unauthorized use" is prohibited by order of the Board of Health.**
8. **No contractor, firm or person shall supply a dumpster service in the Town of Randolph, for the purpose of storage, removal or transporting of garbage, rubbish, demolition and/or construction material, offal or other offensive substances without first obtaining a dumpster service license from the Board of Health. Failure to obtain a dumpster service license from the Board of Health will result in a \$600.00 fine in addition to the annual fee. All licenses shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application as herein provided. There shall be a fee of \$200.00 payable for said dumpster service license.**
- 8A. **Residents must apply to the Board of Health for an application for the temporary use of a dumpster for residential or construction site. A temporary permit is good for up to thirty (30) days. Anything beyond that time, the applicant must petition the Board of Health for an extension.**
9. **The contractor shall have his/her name and business telephone number conspicuously displayed on the dumpster. Failure to do so will result in a fine of \$200.00 per unit per day.**
10. **The emptying of the dumpster contents by the contractor shall not commence before 7:00 A.M. and not continue after 7:00 P.M. The Board may modify these hours in a more restrictive fashion, if in its reasonable judgment it is convinced that the public health, safety or public welfare would be better served. The Board shall be guided in this regard by the location, nearness to residential property, frequency of emptying, resulting noise and other factors which it considers appropriate. The find for violation of hours shall be \$100.00 per each offense.**
11. **The dumpster contractor shall have the dumpster deodorized when emptied or if necessary, washed or sanitized as directed by order of the Board of Health, or its designee. A log must be kept by the person renting the unit indicating dates of sanitizing.**
12. **The Board of Health may require the use of a compactor instead of a dumpster in any situation that they may deem necessary.**
- 12A. **All restaurants are required to have compactors unless a waiver is granted by the Board of Health.**



13. **These regulations apply to all dumpsters in the Town of Randolph whether for residential, commercial, or industrial use.**
14. **Permits for dumpsters of dumpster service licenses may be suspended or revoked by the Board of Health for failure of the dumpster contractor or the property owner/his authorized agent to comply with the requirements of these regulations.**
15. **The Board of health may attach any conditions to the license of a removal contractor that it deems would serve the interest of the safety, health, welfare or quality of life of the citizens of the Town.**
16. **All trash Haulers, both residential and commercial, doing business in the Town of Randolph are required to submit a monthly report of all recycled material collected in the Town of Randolph. The report shall be submitted to the Board of Health. The report shall be broken down by tonnage according to all categories of product collected.**

**FOR THE BOARD OF HEALTH**

**Robert Eldridge, Chairman  
Thomas J. Fisher, Co-Vice Chairman  
Richard Brown, Co-Vice Chairman**



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John McVeigh, Director PH

## Regulation for the Use of Recombinant DNA Molecule Technology and Infectious Agents

### Section 1: Authority

The Board of Health, Town of Randolph, Massachusetts, acting under the authority of Chapter 111, Section 31 of the General Laws and amendments and additions thereto, and by any other power thereto enabling, has duly made and adopted the following Regulation in the interest of and for the protection of the public health. While many permits are common to all businesses, biotechnology research and development requires a specific Town permit. The Town of Randolph permit process must be completed prior to the initiation of research that uses rDNA technologies and requires that companies form an Institutional Biosafety Committee (IBC) as the internal mechanism of research oversight and the point of contact for the Town of Randolph Biosafety Committee (RBSC).

### Section 2: Applicability

This Regulation shall apply to all activities associated with (a) constructing, propagating, handling, synthesizing, or storing recombinant DNA (rDNA) or RNA (rRNA) molecules [if these segments are not expressed *in vivo* as a biologically active polynucleotide or polypeptide product, the synthetic DNA or RNA segments are exempt from this Regulation] b) any plants, animals, bacteria or viruses containing rDNA or rRNA molecules and c) other non-recombinant infectious agents shall be performed in strict accordance with this Regulation and with the National Institutes of Health (NIH) and Centers for Disease Control and Prevention (CDC) Guidelines as defined below. This Regulation shall apply where it differs from the NIH and CDC Guidelines. This Regulation does not replace nor modify applicable Federal, State and local requirements.

### Section 3: Definitions

For the purpose of this Regulation, the following definitions are adopted:

#### a) Guidelines

Guidelines shall mean the most recent version and any additional and future amendments or approvals of the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules as published in the Federal Register and the Centers for Disease Control and Prevention Guidelines, "Biosafety in Microbiological and Biomedical Laboratories." In the event that such Guidelines are discontinued or abolished, those Guidelines in effect and approved by the Board of Health at the time of such discontinuance shall remain in effect.

#### b) Institution

Institution shall mean any person, natural or otherwise, sole proprietor, corporation, limited liability company, partnership, trust, association, public or private organization, federal, state or local government agency, or any other individual or entity acting in its own or any representative capacity.

#### c) Recombinant DNA (rDNA) or RNA (rRNA) Molecules

1) molecules constructed outside living cells by joining natural or synthetic DNA or RNA segments to DNA or RNA molecules *that can replicate* in a living cell or (2) molecules that result from the replication of those described in (1) above. This includes synthetic DNA or RNA segments that are likely to yield a potentially harmful polynucleotide or polypeptide (e.g., a toxin or a pharmacologically active agent); these are considered as equivalent to their natural DNA or RNA counterparts. Genomic DNA/RNA organisms that have acquired a transposable element, even if the latter was donated from a recombinant vector no longer present, are subject to the NIH and CDC Guidelines and this Regulation only in the case where the transposon itself contains rDNA or rRNA.

#### d) Significant Deviation

Significant deviation means any deviation from the NIH and CDC Guidelines that might have an adverse effect on personal or public health.

#### **Section 4: Randolph Biosafety Committee**

- a) A Randolph Biosafety Committee (RBSC) shall be established for the purpose of overseeing all activities to which this Regulation applies.
- b) The RBSC shall:
  - 1) Establish policies, procedures and criteria to aid in the implementation of this Regulation.
  - 2) Inform the Board of Health of significant changes to the Guidelines and other applicable regulations.
  - 3) Review all applications for permits under this Regulation and recommend action to the Board of Health.
  - 4) Determine the manner in which Institutions and Institutional Biosafety Committees (IBCs) make reports, applications or recommendations to the RBSC and the type of information required.
  - 5) Review Institutions' manuals, worker training programs, health and safety programs, monitoring procedures and reports.
  - 6) Implement site visits to Institutions' facilities and review inspection reports.
  - 7) Advise the Board of Health on the appointment of community members for the IBCs.
  - 8) Develop a procedure for individuals to report alleged violations of this Regulation to the RBSC.
- c) The RBSC shall be composed of no fewer than 5 members, to include the Chairman of the Board of Health or designee, the Director of Health, and a minimum of three community members. These community members shall be appointed by the Board of Health..

#### **Section 5: Permits**

- a) Each Institution intending to engage in any activities as defined in Section 2 of this Regulation, shall obtain a permit from the Board of Health prior to commencing such activities.

The permit application shall include the following documentation:

- 1) A completed Board of Health application form.
  - 2) A plot plan showing the proposed location of the facility and a floor plan showing the internal layout of the facility.
  - 3) A list of all organisms, recombinant and infectious, the taxonomic groups from which they are obtained, containment levels, and decontamination procedures to be employed.
  - 4) A plan for treatment and disposal of biological waste in accordance with 105 CMR 480.000, Chapter 8, State Sanitary Code, Storage and Disposal of Infectious or Physically Dangerous or Biological Waste.
  - 5) A plan for pest control management in laboratories, contiguous facilities and food service establishments in the same building.
  - 6) A plan for systematic security of the premises.
  - 7) A report summarizing the work subject to the Guidelines performed over the past year.
  - 8) The names of members of the Institutional Biosafety Committee (IBC).
  - 9) The Institution's safety manuals and an employee training program, together with a plan for an appropriate medical oversight program, including a copy of the medical oversight contract, as determined by the IBC, for all persons engaged in the use of rDNA, rRNA and infectious agents.
  - 10) A plan for orientation of the Health, Police and Fire Departments of the Town to the facility and to appropriate emergency procedures.
  - 11) Written agreement to allow inspection of facilities and pertinent records by the BBSC.
- b) The RBSC will review the Institution's application for a permit and supporting documents and make its recommendation to the Board of Health within 45 business days of receipt of the application in the Health Department office. The Board of Health shall take final action on the permit application within thirty business days of receipt of the recommendations from the RBSC. The period within which final action shall be taken may be extended by mutual consent of the Board of Health and the applicant.
  - c) The fees for permits issued by the Board of Health under this Regulation shall be:
    1. Initial Application Fee \$500
    2. Renewal Application Fee \$500
  - d) Application for permit renewal must be made annually.

#### **Section 6: Institutional Biosafety Committee**

- a) The Institutional Biosafety Committee (IBC) shall have as members, in addition to the Institution's representatives and the Director of Health or designee, one community representative appointed by the Board of Health..
- b) The IBC shall meet at least annually. All minutes of the IBC meetings shall be forwarded to the Board of Health.
- c) The community member of the IBC and the Director of Health, or designee, shall have no controlling or substantial financial interest in the Institution or any other Institution in competition therewith. All financial interests shall be disclosed prior to appointment. Such representatives shall be bound to the same provisions as to non-disclosure and non-use of proprietary information and trade secrets as all other members of the IBC, except to the extent necessary to alleviate any public health hazard. As used in this Regulation, proprietary information and trade secrets shall be defined as set forth under the laws of the Commonwealth of Massachusetts or Federal statutes.
- d) The IBC reviews all projects for compliance with the Guidelines. Project protocols must be approved by the IBC and a statement certifying that each project protocol conforms with the Guidelines shall be filed with the Board of Health.
- e) Information sent by the IBC to the Board of Health shall not contain proprietary information and trade secrets. Full documentation of IBC reviews and determinations shall remain on file in the records of the Institution for inspection by authorized individuals.

#### **Section 7: Medical Oversight**

If the IBC determines that a medical oversight program is necessary, that program shall include, but not be limited to, the following:

- a) Prompt reporting to the IBC of illnesses that are potentially related to the use of rDNA, rRNA and infectious agents.
- b) Employee medical and health records shall be retained for at least ten years.
- c) A training program including illness and injury reporting procedures for all personnel.

#### **Section 8: Inspection and Review**

a) All Institutions subject to this Regulation shall allow inspection of its facilities, procedures, practices, and records by the RBSC or Board of Health designee, in order to confirm compliance with this Regulation.

b) The Board of Health, its employees, all members of the RBSC, and any organization employed to perform inspections shall maintain the confidentiality of all proprietary information and trade secrets released to them by reason of this Regulation.

#### **Section 9: Restrictions**

a) Use of rDNA, rRNA and infectious agents classified by the Guidelines as requiring **BL3 or BL4** containment measures may not be permitted..

b) There shall be no deliberate release into the environment, that is, to sewers, drains, land or air, of any organisms containing viable rDNA, rRNA or infectious agents.

c) The Institution shall report within 48 hours to the Director of Health, followed by a written report within 15 days to the RBSC, any significant deviations, accidents, illnesses or releases related to the use of rDNA, rRNA or infectious agents. An inspection of the facilities, records and procedures may be deemed necessary by the RBSC based upon its judgment of the nature of the incidents.

#### **Section 10: Penalties**

a) Violations of this Regulation shall subject the Institution to a fine of first offense \$25 dollars, second \$50 and third \$100 per day thereafter. Each day of violation shall constitute a separate and distinct offense.

b) If deemed necessary to protect public health, the Board of Health may close the facility in which the violation occurred.

c) Permits may be revoked by the Board of Health upon determination, after due notice and hearing, that the Institution involved has materially failed to comply with this Regulation, permit conditions, or the Guidelines, or if in the opinion of the Board of Health, activities at the Institution cause a nuisance, or adversely affect the public health, safety and welfare in the Town of Randolph.

#### **Section 11: Assessments**

The salaries and expenses incurred by the Town for testing, inspections, reviews, staff and consultants for work directly related to carrying out the requirements of this Regulation shall be assessed to the Institutions holding permits under this Regulation.

#### **Section 12: Indemnification**

Each Institution engaging in, or intending to engage in, any activities regulated hereunder agrees to indemnify, defend, protect, and hold harmless the Town of Randolph, its selectmen, officers, agents and employees from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in connection therewith, including reasonable attorney's fees and costs of defense (collectively, the "Losses"), directly or proximately resulting from the Institution's negligence with regard to any acts, omissions or conduct in any way related to any activity regulated hereunder, pursuant to its permit, its application therefore, or resulting from the Institution's failure to comply with the terms of the permit, the Regulation or the Guidelines.

#### **Section 13: Severability**

Each part of this Regulation is construed as separate to the end, and that if any section, item, sentence, clause or phrase is held invalid for any reason, the remainder of this Regulation shall continue in full force and effect.

#### **Section 14: Variance**

The Board of Health may vary the application of any provision of this Regulation. Any variance granted by the Board of Health must be based on written finding of fact and be preceded by a public hearing. A copy of the variance will be made available to the public during business hours in the Offices of the Town Clerk and Board of Health.

This Regulation becomes effective .

BY ITS BOARD OF HEALTH

\_\_\_\_\_  
Chairman Board of Health

APPROVED AS TO FORM:

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Member



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## Board of Health

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Mark Kittredge, Member

Priscilla MacDougall, Clerk  
John McVeigh, Director, PHA  
Pat Iyer RN, BC, PHN

## Regulations Body Art Tattoo Establishments and Practitioners

### Approved & Adopted:

#### 1. PURPOSE

Whereas body art is becoming prevalent throughout the Commonwealth; and whereas knowledge and practice of universal precautions, sanitation, personal hygiene, sterilization and aftercare requirements on the part of the practitioner must be demonstrated to prevent the transmission of disease or injury to the client and/or practitioner, the Board of Health of the Town of Randolph passes these rules and regulations for the practice of body art in the Town of Randolph as part of our mission to protect the health, safety and welfare of the public.

#### 2. AUTHORITY

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law 111, Section 31.

#### 3. DEFINITIONS

Aftercare means written instructions given to the client, specific to the body art procedure(s) rendered, about caring for the body art and surrounding area, including information about when to seek medical treatment, if necessary.

Applicant means any person who applies to the Board of Health for either a body art establishment permit or practitioner permit.

Autoclave means an apparatus for sterilization utilizing steam pressure at a specific temperature over a period of time.

Autoclaving means a process which results in the destruction of all forms of microbial life, including highly resistant spores, by the use of an autoclave for a minimum of thirty minutes at 20 pounds of pressure (PSI) at a temperature of 270 degrees Fahrenheit.

Bloodborne Pathogens Standard means OSHA guidelines contained in 29 CFR 1910.1030, entitled "Occupational Exposure to Bloodborne Pathogens."

Board of Health means the Randolph Board of Health which has jurisdiction in the Town of Randolph in which a body art establishment is located, including the Board or Agent,

Body Art means the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which procedures are prohibited.

Body Art Establishment or Establishment means a individual who has been granted a permit by the Board, whether public or private, where the practices of body art are performed, whether or not for profit.

Body Art Practitioner or Practitioner means a specifically identified individual who has been granted a permit by the Board to perform body art in an establishment that has been granted a permit by the Board.

Body Piercing means puncturing or penetrating the skin of a client with pre-sterilized single-use needles and the insertion of pre-sterilized jewelry or other adornment. This definition excludes piercing of the earlobe with a pre-sterilized single-use stud-and-clasp system manufactured exclusively for ear-piercing.

Braiding means the cutting of strips of skin, in which strips are then intertwined with one another and placed onto such person so as to cause the incised and interwoven strips of skin to heal in an intertwined condition.

Branding means inducing a pattern of scar tissue by the use of a heated material (usually metal) to the skin.

Cleaning area means the area in a Body Art Establishment used in the sterilization, sanitizing or other cleaning of instruments or other equipment used for the practice of body art.

Client means a member of the public who requests a body art procedure at a body art establishment.

Contaminated Waste means waste as defined in 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII and /or 29 Code or Federal Regulation part 1910.1030. This includes any liquid or semi-liquid blood or other potentially infectious material; contaminated items that would release blood or other potentially infectious material in a liquid or semi-liquid state if compressed; items on which there is dried blood or other potentially infectious material and which are capable of releasing these materials during handling; sharps and any wastes containing blood or other potentially infectious materials.

Cosmetic Tattooing, also known as permanent cosmetics or micropigmentation means the implantation of permanent pigment including but not limited to: eyes, lips and cheeks of the face and hair imitation.

Disinfectant means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

Ear piercing means the puncturing of the earlobe with a pre-sterilized single-use stud-and-clasp ear-piercing system strictly following the manufacturer's instructions.

Equipment means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks, and all other apparatus and appurtenances used in connection with the operation of a body art establishment.

Exposure means an event whereby there is an eye, mouth or other mucous membrane, non-intact skin or contact with the blood or bodily fluids of another person or contact of an eye, mouth or other mucous membrane, non-intact skin or contact with other potentially infectious matter.

Hand Sink means a lavatory equipped with hot and cold running water under pressure, used solely for washing hands, arms, or other portions of the body.

Hot water means water that attains and maintains a temperature of 100 degrees 130 degrees F.

Instruments Used for Body Art means needles, needle bars, and other instruments that may come in contact with a client's body or may be exposed to bodily fluids during any body art procedures.

Invasive means entry either by incision or insertion of any instruments into or through the skin or mucosa, or by any other means intended to puncture, break, or otherwise compromise the skin or mucosa.

Jewelry means any ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel; solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

Light colored means a light reflectance value of 70 percent or greater.

Minor means any person under the age of eighteen (18) years.

Mobile Body Art Establishment means any trailer, truck, car, van, camper or other motorized or non-motorized vehicle, a shed, tent, movable structure, bar, dwelling or other facility wherein, concert, fair, party or other event whereas one desires to or actually does conduct body art procedures.

Operator means any person who individually, jointly or severally with others, owns, or controls an establishment, but is not a body art practitioner.

Permit means Board approval in writing to either (1) operate a body art establishment or (2) operate as a body art practitioner within a body art establishment. Board approval shall be granted solely for the practice of body art pursuant to these regulations. Said permit is exclusive of the establishment's compliance with other licensing or permitting requirements that may exist within the Board's jurisdiction.

Person means an individual, any form of business or social organization or any other non-governmental legal entity, including, but not limited to corporations, partnerships, limited-liability companies, associations, trusts or unincorporated organizations.



Physician means a person licensed as a physician by the Board of Registration in Medicine pursuant to M.G.L. Chapter 122, Section 2.

Procedure surface means any surface of an inanimate object that contacts the client's unclothed body during a body art procedure, skin preparation of the area adjacent to and including the body art procedure, or any associated work area which may require sanitizing.

Sanitary means clean and free of agents of infection or disease.

Sanitize means the application of a U.S. EPA registered sanitizer on a cleaned surface in accordance with the label instructions.

Scarification means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

Sharps means any object, sterile or contaminated, that may intentionally or accidentally cut or penetrate the skin or mucosa, including, but not limited to, needle devices, lancets, scalpel blades, razor blades, and broken glass.

Sharps Container means a puncture-resistant, leak-proof container approved by the Board that can be closed for handling, storage, transportation, and disposal and that is labeled with the International Biohazard Symbol.

Single Use Items means products or items that are intended for one-time, one-person use and are disposed of after use on each client, including, but not limited to, cotton swabs or cotton balls, tissues, paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups, and protective vinyl gloves.

Sterilize means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Tattoo means the indelible mark, figure or decorative design introduced by insertion of dyes or pigments into or under the subcutaneous portion of the skin.

Tattooing means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.

Temporary Body Art Establishment means the same as Mobile Body Art Establishment.

Three dimensional (3D) Body Art or Beading or Implantation means the form of body art consisting of or requiring the placement, injection or insertion of device or other object made of matters such as steel, titanium, rubber, plastic, glass or other inert materials, beneath the surface of the skin of a person. This term does not include Body Piercing.

Ultrasonic Cleaning Unit means a unit approved by the Board, large enough to fully submerge instruments in liquid, which removes all foreign matter from the instruments by means of high frequency oscillations transmitted through the contained liquid.

Universal Precautions means a set of guidelines and controls(as updated), published by the Centers for Disease Control and Prevention (CDC), as "Guidelines for Prevention of Transmission of Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) to Health-Care and Public-Safety Workers" in Morbidity and Mortality Weekly Report (MMWR), June 23,

1989, Vol. 38 No. S-6, and as "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other blood pathogens. Precautions include hand washing; gloving; personal protective equipment; injury prevention; and proper handling and disposal of needles, other sharp instruments, and blood and body fluid contaminated products.

#### 4. EXEMPTIONS

- a. Physicians licensed in accordance with M.G.L. Chapter 112 Section 2 who perform body art procedures as part of patient treatment are exempt from these regulations.
- b. Individuals who pierce only the lobe of the ear with a pre-sterilized single-use stud-and-clasp ear-piercing system are exempt from these regulations.

#### 1. RESTRICTIONS

- a. No tattooing, body art, cosmetic tattooing, branding or scarification shall be performed on a person under the age of 18.
- b. No body art shall be performed upon an animal.
- c. The following practices are hereby prohibited unless performed by a medical doctor licensed by the Commonwealth of Massachusetts: tongue splitting; braiding; three dimensional/beading/implementation tooth filing/fracturing/removal/tattooing; cartilage modification; amputation; genital modification; introduction of saline or other liquids.

#### 1. OPERATION OF BODY ART ESTABLISHMENTS

Unless otherwise ordered or approved by the Board, each body art establishment shall be constructed, operated and maintained to meet the following minimum requirements:

##### a. Physical Plant

1. Walls, floors, ceilings, and procedure surfaces shall be smooth, durable, free of open holes or cracks, light-colored, washable, and in good repair. Walls, floors, and ceilings shall be maintained in a clean condition. All procedure surfaces, including client chairs/benches, shall be of such construction as to be easily cleaned and sanitized after each client.
2. Solid partitions or walls extending from floor to ceiling shall separate the establishment's space from any other room used for human habitation, any food establishment or room where food is prepared, any hair salon, any retail sales, or any other activity that may cause potential contamination of work surfaces.
3. The establishment shall take all measures necessary to ensure against the presence or breeding of insects, vermin, and rodents within the establishment.
4. Each operator area shall have a minimum of 45 square feet of floor space for each practitioner. Each establishment shall have an area that is to be screened from public view for clients requesting privacy. Multiple body art stations shall be separated by dividers or partitions .
5. The establishment shall be well ventilated and provided with an artificial light source equivalent to at least 20 foot candles 3 feet off the floor, except that at least 100 foot candles shall be provided at the level where

the body art procedure is being performed, and where instruments and sharps are assembled and all cleaning areas.

6. All electrical outlets in operator areas and cleaning areas shall be equipped with approved ground fault (GFCI) protected receptacles.
7. A separate, readily accessible hand sink with hot and cold running water under pressure, equipped with wrist-elbow or-foot operated controls and supplied with liquid soap, and disposable paper towels stored in fixed dispensers shall be readily accessible within the establishment. Each operator area shall have a hand sink.
8. There shall be a sharps container in each operator area and each cleaning area.
9. There shall be a minimum of one toilet room containing a toilet and sink. The toilet room shall be provided with toilet paper, liquid hand soap and paper towels stored in a fixed dispenser. A body art establishment permanently located within a retail shopping center, or similar setting housing multiple operations within one enclosed structure having shared entrance and exit points, shall not be required to provide a separate toilet room within such body art establishment if Board-approved toilet facilities are located in the retail shopping center within 300 feet of the body art establishment so as to be readily accessible to any client or practitioner.
10. The public water supply entering a body art establishment shall be protected by a testable, reduced pressure back flow preventor installed in accordance with 142 Code of Massachusetts Regulation 248, as amended from time to time.
11. At least one covered, foot operator waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily. Solid waste shall be stored in covered, leak-proof, rodent-resistant containers and shall be removed from the premises weekly.
12. One janitorial sink shall be provided in each body art establishment for use in cleaning the establishment and proper disposal of non-contaminated liquid wastes in accordance with all applicable federal, state and local laws. Said sink shall be of adequate size equipped with hot and cold running water under pressure and allow the cleaning of the establishment and any equipment used for cleaning.
13. All instruments and supplies shall be stored in clean, dry, and covered containers. Containers shall be kept in a secure area specifically dedicated to the storage of all instruments and supplies.
14. The establishment shall have a cleaning area. Every cleaning area shall have an area for the placement of an autoclave or other sterilization unit located or positioned a minimum of 36 inches from the required ultrasonic cleaning unit.
15. The establishment shall have a customer waiting area, exclusive and separate from any workstation, instrument storage area, cleaning area or any other area in the body art establishment used for body art activity.
16. No animals of any kind shall be allowed in a body art establishment except service animals used by persons with disabilities (e.g. Seeing Eye Dogs). Fish aquariums shall be allowed in waiting rooms and nonprocedural areas.
17. Smoking, eating, or drinking is prohibited in the area where body art is performed, with the exception of non-alcoholic fluids being offered to a client during or after a body art procedure.
18. The establishment must have an approved first aid kit and an operator certified in CPR/ First aid.

a. Requirements for Single Use Items Including Inks, Dyes and Pigments

1. Single-use items shall not be used on more than one client for any reason. After use, all single-use sharps shall be immediately disposed of in approved sharps containers pursuant to 105 CMR 480.00.
2. All products applied to the skin, such as but not limited to body art stencils, applicators, gauze and razors, shall be single use and disposable.
3. Hollow bore needles or needles with cannula shall not be reused.
4. All inks, dyes, pigments, solid core needles, and equipment shall be specifically manufactured for performing body art procedures and shall be used strictly in accordance with manufacturer's instructions.
5. Inks, dyes or pigments may be mixed and may only be diluted with water from an approved **sterile** potable source. Immediately before a tattoo is applied, the quantity of the dye to be used shall be transferred from the dye bottle and placed into single-use paper cups or plastic cups. Upon completion of the tattoo, these single-use cups or caps and their contents shall be discarded.

a. Sanitation and Sterilization Measures and Procedures

1. All non-disposable instruments used for body art, including all reusable solid core needles, pins and stylets, shall be cleaned thoroughly after each use by scrubbing with an appropriate soap or disinfectant solution and hot water, (to remove blood and tissue residue), and shall be placed in an ultrasonic unit sold for cleaning purposes under approval of the U.S. Food and Drug Administration and operated in accordance with manufacturer's instructions.
2. After being cleaned, all non-disposable instruments used for body art shall be packed individually in sterilizer packs and subsequently sterilized in a steam autoclave sold for medical sterilization purposes under approval of the U.S. Food and Drug Administration. All sterilizer packs shall contain either a sterilizer indicator or internal temperature indicator. Sterilizer packs must be dated with an expiration date not to exceed six (6) months.
3. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of the autoclave must be available for inspection by the Board. Autoclaves must be located away from workstations or areas frequented by the public.
4. Each holder of a permit to operate a body art establishment shall demonstrate that the autoclave used is capable of attaining sterilization by monthly spore destruction tests. These tests shall be verified through a licensed and approved independent laboratory. The permit shall not be issued or renewed until documentation of the autoclave's ability to destroy spores is received by the Board. These test records shall be retained by the operator for a period of three (3) years and made available to the Board upon request. The temperature of the autoclave should must attain 270 degrees F under pressure of 20psi for 30 min minimum.
5. All instruments used for body art procedures shall remain stored in sterile packages until just prior to the performance of a body art procedure. After sterilization, the instruments used in body art procedures shall be stored in a dry, clean cabinet or other tightly covered containers reserved for the storage of such instruments.
6. Sterile instruments may not be used if the package has been breached or after the expiration date without first repackaging and resterilizing.

7. If the body art establishment uses only single-use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.
8. When assembling instruments used for body art procedures, the operator shall wear non-latex disposable medical gloves and use medically recognized sterile techniques to ensure that the instruments and gloves are not contaminated.
9. Reusable cloth items shall be mechanically washed with detergent and mechanically dried after each use. The cloth items shall be stored in a dry, clean environment until used. Should such items become contaminated directly or indirectly with bodily fluids, the items shall be washed in accordance with standards applicable to hospitals and medical care facilities, at a temperature of 160 degrees F or a temperature of 120 degrees F with the use of chlorine disinfectant.

(D) Posting Requirements

The following shall be prominently displayed:

1. A Disclosure Statement, A Disclosure Statement shall also be given to each client, advising him/her of the risks and possible consequences of body art procedures.
2. The name, address and phone of the Randolph Board of Health.
3. An Emergency Plan, including:
  - a. a plan for the purpose of contacting police, fire or emergency medical services in the event of an emergency.
  - b. a telephone in good working order shall be easily available and accessible to all employees and clients during all hours of operation; and
  - c. a sign at or adjacent to the telephone indicating the correct emergency telephone numbers.
1. An occupancy and use permit as issued by the Town of Randolph building commissioner.
2. A current establishment permit.
3. Each practitioner's permit.

A. Establishment Record keeping

The establishment shall maintain the following records in a secure place for a minimum of three (3) years, and such records shall be made available to the Board upon request:

1. Establishment information, which shall include:
  - a. establishment name;
  - b. hours of operation;
  - c. owner's name and address; fax, emergency phone number
  - d. a complete description of all body art procedures performed;
  - e. an inventory of all instruments and body jewelry, all sharps, and all inks used for any and all body art procedures, including names of manufacturers and serial

or lot numbers, if applicable. Invoices or packing slips shall satisfy this requirement;

- f. a Material Safety Data Sheet, for each ink and dye used by the establishment;
- g. copies of waste hauler manifests
- h. copies of commercial biological monitoring tests
- i. Exposure Incident Report (kept permanently)
- j. a copy of these regulations.

1. Employee information, which shall include:

- a. full legal names and exact duties;
- b. date of birth;
- c. home address;
- d. home/work phone numbers;
- e. identification photograph;
- f. dates of employment;
- g. Hepatitis B vaccination status or declination notification, and;
- h. training records.

1. Client Information, which shall include:

- a. name;
- b. age and valid photo identification
- c. address of the client;
- d. date of the procedure;
- e. name of the practitioner who performed the procedure(s);
- f. description of the procedure(s) performed and the location on the body;
- g. a signed consent form as specified by 7(D)(2); and,

**CLIENT INFORMATION SHALL BE KEPT  
CONFIDENTIAL.**

1. Exposure Control Plan

Each establishment shall create, update, and comply with an Exposure Control Plan. The Plan shall be submitted to the Board for review so as to meet all the requirements of OSHA regulations, to include, but not limited to, 29 Code of Federal Regulation 1910.1030 OSHA Bloodborne Pathogens Standards et seq, as amended from time to time. A copy of the Plan shall be maintained at the Body Art Establishment at all times and shall be made available to the Board upon request.

A. No person shall establish or operate a Mobile or Temporary Body Art Establishment.

**7. STANDARDS OF PRACTICE**

Practitioners are required to comply with the following health standards:

- A. A practitioner shall perform all body art procedures in accordance with Universal Precautions set forth by the U.S. Centers for Disease Control and Prevention.
  - B. A practitioner shall refuse service to any person who may be under the influence of alcohol or drugs.
  - C. Practitioners who use ear-piercing systems must conform to the manufacturer's directions for use, and to applicable U.S. Food and Drug Administration requirements. No practitioner shall use an ear piercing system on any part of the client's body other than the lobe of the ear.
  - D. Health History and Client Informed Consent. Prior to performing a body art procedure on a client, the practitioner shall:
    - 1. Inform the client, verbally and in writing that the following health conditions may increase health risks associated with receiving a body art procedure:
      - a. history of diabetes;
      - b. history of hemophilia (bleeding);
      - c. history of skin diseases, skin lesions, or skin sensitivities to soaps, latex allergies, disinfectants, etc.;
      - d. history of allergies or adverse reactions to pigments, dyes, or other sensitivities;
      - e. history of epilepsy, seizures, fainting, or narcolepsy;
      - f. use of medications such as anticoagulants, which thin the blood and/or interfere with blood clotting; and
      - g. any other conditions such as hepatitis or HIV.
    - 1. Require that the client sign a form confirming that A)the above information was provided, that the client does not have a condition that prevents them from receiving body art, b)that the client consents to the performance of the body art procedure and c) that the client has been given the aftercare instructions as required by section 7(K).
- A. A practitioner shall maintain the highest degree of personal cleanliness, conform to best standard hygienic practices, and wear clean clothes when performing body art procedures. Before performing body art procedures, the practitioner must thoroughly wash their hands in hot running water with liquid soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants.
  - B. In performing body art procedures, a practitioner shall wear disposable single-use non-latex gloves. Gloves shall be changed if they become pierced, torn, or otherwise contaminated by contact with any unclean surfaces or objects or by contact with a third person. The gloves shall be discarded, at a minimum, after the completion of each procedure on an individual client, and hands shall be washed in accordance with section (E) before the next set of gloves is put on. Under no circumstances shall a single pair of gloves be used on more than one person. The use of disposable single-use gloves does not preclude or substitute for hand washing procedures as part of a good personal hygiene program.
  - C. The skin of the practitioner shall be free of rash or infection. No practitioner affected with boils, infected wounds, open sores, abrasions, weeping dermatological lesions or acute respiratory infection shall work in any area of a body art establishment in any capacity in which there is a likelihood that that person could contaminate body art equipment, supplies, or working surfaces with body substances or pathogenic organisms.
  - D. Any item or instrument used for body art that is contaminated during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument or item before the procedure resumes.
  - E. Preparation and care of a client's skin area must comply with the following:

1. Any skin or mucosa surface to receive a body art procedure shall be free of rash or any visible infection.
  2. Before a body art procedure is performed, the immediate skin are and the areas of skin surrounding where body art procedure is to be placed shall be washed with soap and water or an approved surgical skin preparation. If shaving is necessary, single-use disposable razors or safety razors with single-service blades shall be used. Blades shall be discarded after each use, and reusable holders shall be cleaned and autoclaved after use. Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.
  3. In the event of bleeding, all products used to stop the bleeding or to absorb blood shall be single use, and discarded immediately after use in appropriate covered containers, and disposed of in accordance with 105 CMR 480.000.
- A. Petroleum jellies, soaps, and other products used in the application of stencils shall be dispensed and applied on the area to receive a body art procedure with sterile gauze or other sterile applicator to prevent contamination of the original container and its contents. The applicator or gauze shall be used once and then discarded.
- B. The practitioner shall provide each client with verbal and written instructions on the aftercare of the body art site. The written instructions shall advise the client:
1. on the proper cleansing of the area which received the body art;
  2. to consult a health care provider for:
    - a. unexpected redness, tenderness or swelling at the site of the body art procedure;
    - b. any rash;
    - c. unexpected drainage at or from the site of the body art procedure; or
    - d. a fever within 24 hours of the body art procedure; and
  3. of the address, and phone number of the establishment.

A copy shall be provided to the client. A model set of aftercare instructions shall be made available by the Board.

- A. Contaminated waste shall be stored, treated and disposed in accordance with 105 CMR 480.000: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code, Chapter VIII.

## 8. Exposure Incident Report

An Exposure Incident Report shall be completed by the close of the business day during which an exposure has or might have taken place by the involved or knowledgeable body art practitioner for every exposure incident occurring in the conduct of any body art activity.

Each Exposure Incident Report shall contain:

1. A copy of the application and consent form for body art activity completed by any client involved in the exposure incident;



2. A full description of the exposure incident, including the portion of the body involved therein;
3. Instrument(s) or other equipment implicated;
4. A copy of body art practitioner license of the involved body art practitioner,
5. Date and time of exposure;
6. A copy of any medical history released to the body art establishment or body art practitioner; and
7. Information regarding any recommendation to refer to a physician or waiver to consult a physician by persons involved.

#### 9. Injury and/or Complication Reports

A written report of any injury, infection complication or disease as a result of a body art procedure, or complaint of injury, infection complication or disease, shall be forwarded by the operator to the Board which issued the permit, with a copy to the injured client within five working days of its occurrence or knowledge thereof. The report shall include:

- a. the name, address, phone of the affected client;
- b. the name and location of the body art establishment involved;
- c. the nature of the injury, infection complication or disease;
- d. the name and address of the affected client's health care provider, if any,
- e. any other information considered relevant to the situation.

#### 9. Complaints

- a. The Board shall investigate complaints received about an establishment or practitioner's practices or acts, which may violate any provision of the Board's regulations.
- b. If the Board finds that an investigation is not required because the alleged act or practice is not in violation of the Board's regulations, then the Board shall notify the complainant of this finding and the reasons on which it is based.
- c. If the Board finds that an investigation is required, because the alleged act or practice may be in violation of the Board's regulations, the Board shall investigate if a finding is made that the act or practice is in violation of the Board's regulations, then the Board shall apply whatever enforcement action is appropriate to remedy the situation and shall notify the complainant of its action in this manner.

#### 11. Application for Body Art Establishment Permit

- a. No person may operate a body art establishment except with a permit from the Board.
- b. Applications for a permit shall be made on forms prescribed by and available from the Board. An applicant shall submit all information required by the form and accompanying instructions. The term "application" as used herein shall include the original and renewal applications.
- c. An establishment permit shall be valid from the date of issuance and for no longer than one year unless revoked sooner by the Board.
- d. The Board shall require that the applicant provide, at a minimum, the following information in order to be issued an establishment permit:

##### 1. Name, address, and telephone number of:

- a. the body art establishment;
- b. the operator of the establishment, and
- c. the body art practitioner(s) working at the establishment.

1. The manufacturer, model number, model year, and serial number, where applicable, of the autoclave used in the establishment.
2. A signed and dated acknowledgement that the applicant has received, read and understood the requirements of the Board's body art regulations.
3. A drawing of the floor plan of the proposed establishment to scale for a plan review by the Board, as part of the permit application process.
4. Exposure Report Plan.
5. Such additional information as the Board may reasonably require.

(e) The annual fee for the Body Art Establishment Permit shall be \$100 plus \$100 for each practitioner. Checks shall be made payable to the Town of Randolph

A permit for a body art establishment shall not be transferable from one place or person to another.

## 12. Application for Body Art Practitioner Permit

- a. No person shall practice body art or perform any body art procedure without first obtaining a practitioner permit from the Board. The Board shall set a reasonable fee for such permits.
- b. A practitioner shall be a minimum of 18 years of age.
- c. A practitioner permit shall be valid from the date of issuance and shall expire no later than one year from the date of issuance unless revoked sooner by the Board.
- d. Application for a practitioner permit shall include:

1. name;
2. date of birth;
3. residence address;
4. mailing address; e-mail
5. phone number;
6. place(s) of employment as a practitioner; and
7. training and/or experience as set out in (e) below.

### a. Practitioner Training and Experience

1. In reviewing an application for a practitioner permit, the Board may consider experience, training and/or certification acquired in other states that regulate body art.
2. Training for all practitioners shall be approved by the Board and, at a minimum, shall include the following:
  - a. bloodborne pathogen training program (or equivalent) which includes infectious disease control; waste disposal; handwashing techniques; sterilization equipment operation and methods and techniques; and
  - b. current certification in First Aid and cardiopulmonary resuscitation (CPR).

Examples of courses approved by the Board include "Preventing Disease Transmission" (American Red Cross) and "Bloodborne Pathogen Training" (U.S. OSHA). Training/courses provided by professional body art organizations or associations or by equipment

manufacturers may also be submitted to the Board for approval.

1. The applicant for a body piercing practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course in anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course must include the study of integumentary system (skin).
2. The applicant for a tattoo, practitioner permit shall provide documentation, acceptable to the Board, that s/he completed a course in anatomy and physiology with a grade of C or better at a college accredited by the New England Association of Schools and Colleges, or comparable accrediting entity. This course must include instruction in the study of the integumentary system (skin). Such other course or program as the Board shall deem appropriate and acceptable may be substituted for the anatomy course.
3. The applicant for all practitioners shall submit evidence satisfactory to the Board **for at least two years actual experience in the practice of performing body art activities** of the kind for which the applicant seeks a body art practitioner permit to perform, whether such experience was obtained within or outside of the Commonwealth.

- A. A practitioner's permit, shall be conditioned upon continued compliance with all provisions of these rules and regulations.

### 13. Grounds for Suspension, Denial, Revocation, or Refusal to Renew Permit

- a. The Board may suspend, deny, revoke or refuse to renew a permit on the following grounds, each of which, in and of itself, shall constitute full and adequate grounds for suspension, denial, revocation or refusal to renew:
1. any actions which would indicate that the health and safety of the public would be at risk;
  2. fraud, deceit, or misrepresentation in obtaining a permit, or its renewal;
  3. criminal conduct which the Board determines to be of such a nature as to render the establishment, practitioner or applicant unfit to practice body art as evidenced by criminal proceedings resulting in a conviction, guilty plea, or plea of nolo contendere or an admission of sufficient facts;
  4. any present or past violations of the Board's regulations governing the practice of body art;
  5. practicing body art while the ability to practice is impaired by alcohol, and some drugs.
  6. being habitually drunk or being dependent on, or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects;
  7. knowingly permitting, aiding or abetting an unauthorized person to perform activities requiring a permit;
  8. continuing to practice while his/her permit is expired , suspended, or revoked; and
  9. having been disciplined in another jurisdiction in any way by the proper permitting authority for reasons substantially the same as those set forth in the Board's regulations;

10. other just and sufficient cause which the Board may determine would render the establishment, practitioner or applicant unfit to practice body art.

- a. The Board shall notify an applicant, establishment or practitioner in writing of any violation of the Board's regulations, for which the Board intends to deny, revoke, or refuse to renew a permit. The applicant, establishment or practitioner shall have seven (7) days after receipt of such written notice in which to comply with the Board's regulations. The Board may deny, revoke, or refuse to renew a permit, if the applicant, establishment or practitioner fails to comply after said seven (7) days subject to the procedure outlined in Section 15.
- b. Applicants denied a permit may reapply at any time after denial.

#### 14. Grounds for Suspension of Permit

The Board may summarily suspend a permit pending a final hearing on the merits on the question of revocation if, based on the evidence before it, the Board determines that an establishment and/or a practitioner is an immediate and serious threat to the public health, safety or welfare. The suspension of a permit shall take effect immediately upon written notice of such suspension by the Board.

#### 15. Procedure for Hearings

The owner of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through certified mail return receipt requested or delivered by constable. The notice shall include the date, time, and place of the hearing and the owner of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received.

In the case of a suspension of a permit as noted in Section 13, a hearing shall be scheduled no later than 21 days from the date of the suspension.

#### 16. Severability

If any provision contained in the model regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

#### 17. Effective Date

A public hearing was conducted on \_\_\_\_\_. These regulations were approved and adopted by the Randolph Board of Health on \_\_\_\_\_. They will become effective upon publication of a summary in a local newspaper.

**APPROVED AND ADOPTED;**

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Thomas Fisher, Chairman

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Dr. David Kaplan ,Vice Chairman

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Mark Kittredge, Member

Date\_\_\_\_\_



## **Town of Randolph, Massachusetts**

### **Board of Health**

41 SOUTH MAIN

RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

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#### **Members:**

Mark Kittredge, Chair  
Thomas Fisher, V. Chair  
Dr. David Kaplan, CHO, RS, Member

Nelly Brown Janga  
Esther Muhammad, RN  
John McVeigh, Commissioner

Pursuant to MGL Chapter 111 section 31, and section 143, the Randolph Board of Health at its meeting on May 14<sup>th</sup> 2012 adopted the following Regulations pertaining to Health Clubs, Saunas and Vapor Pools.

I. **LICENSE REQUIRED AND FEE:** No person shall operate a Health Club or conduct an establishment for the giving of vapor, pool, shower, or other baths for hire or reward, or advertise or hold themselves out as being engaged in the business a Health Club or the giving or said baths in the Town of Randolph without receiving a license therefore from the Board. The license fee for each establishment shall be \$100.00 for less than 2000 sq ft and \$200.00 for more than 2001sq ft and over. A license issued to an establishment is not transferable without the prior approval of the Board.

II. **DEFINITIONS:** For the purpose of these regulations are:

A. **ESTABLISHMENT FOR GIVING MASSAGE, VAPOR, POOL, SHOWER, OR OTHER BATHS** shall mean the office, place of business, or premises where massage is practiced or where therapeutic or conditioning baths of water or vapor.

B. **HEALTH CLUB** means an establishment which devotes 40% or more of its square footage to providing services or facilities for the preservation, maintenance,

encouragement or development of physical fitness or physical well-being. The term includes an

establishment designated as "reducing salon," "health spa," "spa," "exercise gym," "health studio," "health club," or by other terms of similar import

III.EXCEPTIONS AND EXCLUSIONS: For the purpose of these regulations:

C. ESTABLISHMENT EXCEPTIONS: Hospitals, nursing and convalescent homes, and other similar licensed institutions where massage and baths may be given are excluded from the definition of an Establishment.

IV. EXPIRATION DATE OF LICENSE: Licenses shall automatically expire on December 31<sup>st</sup> of each year. Applications for renewal must be submitted at least 30 days prior to expiration date.

V. REQUIREMENTS FOR LICENSING OF AN ESTABLISHMENT: Every establishment for the giving of massage or vapor, pool, shower, or other baths shall meet the following standards:

A. Conform to Town and State Sanitary Code for sewage disposal systems.

B. It shall be well-lighted, ventilated and properly heated when seasonally indicated.

C. No room used by the licensee in the conduct of his business shall be used as a bedroom.

D. There shall be an adequate supply of hot and cold running water at all times.

E. There shall be approved toilet and washing facilities within the premises, readily available Both for Men and Women .

F. Where patrons of both sexes are accommodated, adequate arrangements shall be made for separation of rooms, toilets, and washing facilities.

G. All rooms of the establishment and furniture and equipment therein shall be kept clean and sanitary at all times.

H. Sanitizer for gym equipment shall be kept made available and conspicuous signs posted indicating sanitizer policy.

I. Cleaning and sanitizing logs of gym, showers and bathrooms shall be kept for a period of 90 days ready for review by the authority. The Health Club shall provide spray cleaner for members to disinfect the exercise equipment. A disinfectant cleaning product, which has been tested and approved by the EPA/FDA, is allowed. Members must clean equipment after each use, and shall keep the spray within reaching proximity of the machine. Hand sanitizer dispensers should also be available to patrons at multiple locations.

J. Signs shall be posted regarding Methicillin-Resistant Staphylococcus Aureus (MRSA) infection warning and sanitizer use.

K. A patron complaint log shall be kept and made available for Board of Health review.

L. Cleanable” Construction: Restrooms, shower rooms and locker rooms shall also be constructed to be as “cleanable” as possible since they require cleaning frequently and intensively. This applies to floors, walls, fixtures, and amenities. For example, the installation of ceramic tile floors, walls and coved ceramic base improves the ability of custodial staff to use heavy duty cleaning equipment and methods (including sanitizing chemicals and disinfectants) to ensure adequate sanitation. Color of material shall be of a light color to show dirt.

VI. DISPLAY OF LICENSE: Every licensed establishment must display in a conspicuous location all the licenses operating within the establishment.

VII. INSPECTIONS: Every licensee shall permit the Randolph Board of Health or its agents to inspect his or her place of business at any time.

VIII. PROCEDURE FOR HEARINGS: The owner of the establishment or practitioner shall be given written notice of the Board's intent to hold a hearing for the purpose of suspension, revocation, denial or refusal to renew a permit. This written notice shall be served through certified mail return receipt requested or delivered by constable. The notice shall include the date, time, and place of the hearing and the owner of the establishment or practitioner's right to be heard. The Board shall hold the hearing no later than 21 days from the date the written notice is received. In the case of a suspension of a permit, a hearing shall be scheduled no later than 21 days from the date of the suspension. Said licenses may be revoked for such cause as the Randolph Board of Health deems sufficient, and without a hearing, in accordance with Section 51, Chapter 140 of the General Laws; and said licenses shall also be subject to the provisions of section 143 of Chapter III of the General Laws.

IX. PENALTIES: Whoever violates any provisions of Section 51 of Chapter 140 of the General Laws or any of these rules or regulations or prevents or hinders any member of a Board of Health Officer from exercising the authority conferred upon him or her by Section 52 of Chapter 140 of the General Laws, shall be punished by a fine of not more than one hundred dollars (\$100.00) in accordance with Section 53, Chapter 140 of the General Laws.

X. NON-CRIMINAL DISPOSITION: Violation of any of the regulations of the Randolph Board of Health may be enforced by non-criminal disposition in the manner provided by General Laws, Chapter 40, Section 21D and Section 1-4A ("Non-Criminal Disposition") of the Town of Randolph Bylaws. This does not limit the Town in any way from seeking criminal or civil remedies at a court of competent jurisdiction. The specific non-criminal disposition penalty which shall apply to a violation of these Board of Health regulations shall, unless specifically provided otherwise in these regulations, be as follows:

First offense within a twelve-month period \$ 25.00

Second offense within a twelve-month period \$ 50.00

Third and subsequent offenses within a twelve-month period \$ 100.00

Each day any violation shall continue shall constitute a separate offense.

**State law reference**—G.L. c. 40, sec 21D.

XI. Severability  
If any provision contained in the model regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

XII. Effective Date :  
A hearing was conducted on \_\_\_\_\_. These regulations were approved and adopted by the Randolph Board of Health on \_\_\_\_\_. They will become effective upon publication of a summary in a local newspaper.

Approved Date: \_\_\_\_\_

These Regulations to be effective July 1, 2012



Signed by Board of Health :

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Mark Kittredge, Chairman

---

Thomas Fisher, Vice Chair

---

Dr. David Kaplan , CHO, RS, Member

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Ester Muhammed RN, Member

---

Nelly Janga, Member, BS



# Town of Randolph, Massachusetts

## Board of Health

41 SOUTH MAIN  
RANDOLPH, MASSACHUSETTS 02368

TEL. (781) 961-0924

FAX (781) 961-0927

### Members:

Mark Kittredge, Chair  
Thomas Fisher, V. Chair  
Dr. David Kaplan, CHO, RS, Member

Nelly Brown Janga  
Esther Muhammad, RN  
John McVeigh, Commissioner

December 12<sup>th</sup> 2011

## Article IV Section 3 - - Food Regulations

The Board of Health of the Town of Randolph, Massachusetts in accordance with, and under the authority granted by Chapter 111, Sections 31, 31A and 31B of the General Laws of the Commonwealth of Massachusetts, thereby adopts the following rules and regulations regarding Food Manager Certification:

*Food Manager*

Effective on January 1<sup>st</sup> 2012. The expiration date of the certification by any company recognized by either the State Department of Public Health or Board of Health shall be Five (5) years.

Signed:

*Mark Kittredge* Chair  
Mark Kittredge

*Thomas J. Fisher* V. Chair  
Thomas Fisher

*Dr. David Kaplan* Member  
Dr. David Kaplan, CHO, RS

\_\_\_\_\_  
Nelly Brown Janga Member

*Esther Muhammad* Member  
Esther Muhammad, RN

# Town of Randolph



TOWN OF RANDOLPH  
INC. 1793

## Office of BOARD OF HEALTH

1 TURNER LANE  
RANDOLPH, MASSACHUSETTS 02368

(781) 961-0924  
FAX (781) 961-0927

**Mark Kittredge**

Chairman

**Thomas J. Fisher**

Member

**Dr. David Kaplan**

Member

All Food Service Establishments  
operating in the Town of Randolph

**Priscilla E. MacDougall**

Principal Clerk

August 21, 2002

*Section 2*  
This is to notify you that effective **September 1, 2002** there will be a fine assessed to every food service establishment wherein critical violations of Article X of the State Sanitary Code are found during the course of each and every food service inspection. The fines are as follows:

***\$100.00 for the first critical violation and \$20.00 for each critical violation thereafter.***

Please be aware of this and inform your personnel as well. Our goal is to eliminate violations of Article X of the State Sanitary Code with particular emphasis on critical code violations.

The public safety and well being is paramount, and we feel more attention will be paid to avoiding any code violations with this system in place.

Thank you for your attention to this very serious matter.

Very truly yours,

FOR THE BOARD OF HEALTH

Robert Eldridge, Chairman





TOWN OF RANDOLPH  
INC. 1793

**Town of Randolph, Massachusetts**  
**Board of Health**  
1 Turner Lane  
RANDOLPH, MASSACHUSETTS 02368  
TEL. (781) 961-0924 FAX (781) 961-0927

Thomas J. Fisher

Paul J. Connors

F. Randolph Philbrook, M.D.  
M.P.H Health Office

Patricia A. Walker  
Code Enforcement Officer

TOWN OF RANDOLPH  
BOARD OF HEALTH

**AMENDMENTS TO RESIDENTIAL SWIMMING POOL REGULATIONS**

Pursuant to the provisions and under the authority conferred by chapter 111, Section 31 of the Massachusetts General Laws and all other powers thereto enabling the Board of Health to adopt regulations relative to Residential Swimming Pools, "Board of Health Regulations" heretofore adopted by the Board, and which became effective April 16, 1970 are hereby amended and add thereto the following:

Amendment and addition to Regulation 8.8 – All Residential Pools shall be enclosed by a fence which shall be not less than five feet in height and firmly anchored into the ground or base, Additionally all entrances/gated into pool area shall be equipped with self-latching devices placed four feet above the grounds or otherwise made inaccessible from the outside to children. No opening in the enclosure other than the gate shall be wider than three inches.

The foregoing addition adopted by unanimous vote of the Board of Health of the Town of Randolph on June 20, 1988 to be in full force and effective on and after January 1, 1989 and shall be, before said date, published in the Moneysaver and a copy thereof shall be filed in the office of the Town Clerk.

RANDOLPH BOARD OF HEALTH

Thomas J. Fisher, Chairman  
Paul J. Connors  
F. R. Philbrook, MD, MPH



# **Town of Randolph, Massachusetts**

## **Board of Health**

41 SOUTH MAIN  
RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

**FAX (781) 961-0927**

### **Members:**

Mark Kittredge, Chair  
Thomas Fisher, V. Chair  
Dr. David Kaplan, CHO, RS, Member

Nelly Brown Janga  
Esther Muhammad, RN  
John McVeigh, Commissioner

## **ARTICLE XVI.**

### **NUISANCE REGULATION**

#### **1. Purpose**

Whereas Town of Randolph as part of our mission to protect the health, safety and welfare of the Public the Board enacts these regulations .

#### **2. Authority**

These regulations are promulgated under the authority granted to the Board of Health under Massachusetts General Law 111, Section 31

#### **3. Definitions**

(a) **“Nuisance”** means a condition or situation (such as, but not limited to: a foul odor, a condition or situation dangerous to health or safety, or a condition or situation unlawfully obstructing the public in the free use of public property) which annoys, injures or endangers the safety, health or comfort of others. If the public is injured in its civil or property rights or privileges or in respect to public health or safety to any degree, a nuisance exists. “Nuisance” includes, but is not limited to, the following acts, conditions, conduct, omissions, or things:

1. Accumulations of putrescible and non-putrescible solid wastes in which disease carrying insects, rodents, or other vermin are present or may reasonably be expected to be present.
2. The emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odor, effluvium or stench repulsive to the physical senses of persons which annoy, discomfort, inconvenience, or injure the health of

any appreciable number of persons.

3. Any structure that is in a state of dilapidation, deterioration or decay; or is of faulty construction; or is abandoned; and open to intrusion by the elements, so as to endanger the health, peace, and safety of the public.

4. Any structure offered for lease for purpose of human habitation which is in such condition (e.g. old, dilapidated, or out of repair, as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation) that inhabitants cannot live free of unreasonable risk to their health and safety.

5. Any obstruction (e.g., vegetation, structure, or other object) so located as to prevent persons operating vehicles approaching an intersection of roads from having a clear safe view of traffic approaching such intersection.

6. Anything (e.g., vegetation, structure, or other object) which projects over a public right-of-way or public road, which hinders or impedes travel or field of vision, or constitutes a traffic hazard.

7. All drink or food offered for sale to the public which is not safe or fit for human consumption.

9. Any animal or animals: kept or maintained in unsanitary conditions or surroundings.

10. Failure to make reasonable efforts to control nuisance weeds or vegetation and property grass length over 12" or more.

#### **b)Blight**

Any condition seriously impairing the value, integrity, strength, durability or appearance of real property. A property that has a substantial negative impact on the health, safety, or economic vitality of a neighborhood, chronically vacant, boarded and is an attractive nuisance.

#### **c) Building**

A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected or framed, of a combination of any materials, to form shelter for persons, animals, or property.

#### **d)Dilapidated**

In a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to: Having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken or inadequately secured windows or doors; Having defective weather protection (e.g., paint) for exterior wall coverings; deleterious weathering due to lack of such paint or other protective covering

### **4. Prohibition**

(a) No person shall cause, continue, maintain or permit to exist any nuisance.

(b) A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

### **5. Penalty**

(a) Any person violating this ordinance shall:

1. forfeit not less than \$25.00 nor more than \$100.00 for each offense; and

2. abate or remove such nuisance summarily and/or within a defined time period.

3. be enjoined or restrained from further violation.

4. pay the fees, costs and disbursements incurred by The Randolph Board of Health associated with prosecution of the action.

(b) If a nuisance is not abated or removed, the Randolph Board of Health may cause the abatement or removal of such nuisance. Any person who fails to remove or abate any nuisance after being ordered to do so, shall be liable to the the Randolph Board of Health for the actual costs of abatement or removal. A lien shall be imposed on the real property from which the nuisance was abated or removed to secure payment of such costs.

## **6. Enforcement**

(a) The Randolph Board of Health or Code Enforcement Officer may cause written notice identifying the property, providing notice of the existence of a nuisance, and demand for abatement or removal within a specified time period, to be issued to the owner and/or occupant of the property where the nuisance exists and/or the person causing, permitting or maintaining such nuisance and/or post a copy of the notice on the property where the nuisance exists. If the owner and/or occupant fails to comply, The Randolph Board of Health or Code Enforcement Officer may enter the property and abate or remove the nuisance. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. Any person affected by such determination shall, within thirty (30) days of receiving notice, apply to the district court for an order enjoining or restraining the The Randolph Board of Health or Code Enforcement Officer from entering the property and abating or removing the nuisance, or be forever barred.

(b) If any nuisance exists and public health, peace or safety requires that it be summarily abated or removed, the Randolph Board Of Health or Code Enforcement Officer may proceed to abate or remove the nuisance without judicial declaration. The person causing, permitting or maintaining such nuisance shall be liable for costs of abatement or removal. If practicable, The Randolph Board of Health or Code Enforcement Officer should endeavor to provide notice and demand as provided in par.(a)

(c) The Randolph Board of Health or Code Enforcement Officer may issue a citation, pursuant to and in accordance with General Laws, Chapter 40, Section 21D and Section 1-4A ("Non-Criminal Disposition") of the Town of Randolph Bylaws.

(d) The Randolph Board of Health may institute other proceedings in any court of competent jurisdiction and pursue any remedy or relief afforded by law.

## **7. Procedure for Hearings**

The owner to whom any order has been served may request a hearing before the Board by filing with the Board within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition the Board shall set a time and place for such hearing and shall inform the owner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. At the hearing the owner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing, the Board shall sustain, modify or withdraw the order and shall inform the owner in writing of its decision. If the Board sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

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**8. Other applicable laws**

These regulations shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes, regulations or statutes.

**9. Severability**

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, fine or suspension which previously has been issued.

**10. Effective date:**

These regulations shall take effect on November 1<sup>st</sup> 2012.

FOR THE BOARD OF HEALTH

\_\_\_\_\_  
Mark Kittredge, Chairman

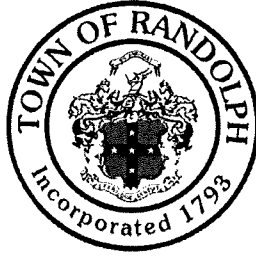
\_\_\_\_\_  
Thomas J. Fisher, Vice Chairman

\_\_\_\_\_  
Dr. David Kaplan, Member

\_\_\_\_\_  
Esther Muhammad, RN Member

\_\_\_\_\_  
Nelly Janga, Member





## **Town of Randolph, Massachusetts**

### **Board of Health**

41 SOUTH MAIN  
RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

**FAX (781) 961-0927**

#### **Members:**

Mark Kittredge, Chair  
Thomas Fisher, V. Chair  
Dr. David Kaplan, CHO, RS, Member

Nelly Brown Janga  
Esther Muhammad, RN  
John McVeigh, Commissioner

## **REGULATIONS GOVERNING THE DISTRIBUTION OF NICOTINE AND TOBACCO PRODUCTS**

### **SECTION 1**

#### **A. Purpose**

These regulations are intended to protect the public health and general welfare by ensuring that access to and distributions of all tobacco products are in accordance with existing Federal and State laws, including, but not limited to M.G.L. Chapter 270 sections 6 and 7, governing the use, sale and distribution of tobacco products which have been declared injurious to public health by the Surgeon General of the United States.

#### **B. Authority**

These regulations are adopted by the Randolph Board of Health under the authority of Massachusetts General Law, Chapter 111, section 31.

## C. Rational Statement

"Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year (McGinnis JM, Goege W, 'Actual Causes of Death in the United States', JAMA 1993 270:2207-2212); and whereas the U.S. Environmental Protection Agency classified secondhand smoke as a known human carcinogen (IARC-WHO, 2002); now therefore, the Board of Health of Randolph recognizes the right of those who wish to breathe smokefree air and establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in public places and workplace.

## Section II

### DEFINITIONS

The definitions in this section apply to words and phrases used in these regulations:

Board of Health	The Randolph Board of Health.
Business	Any sole proprietorship, partnership, joint venture, corporation, trust or other business entity, including retail establishments where goods and services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional and commercial services are delivered.
Employee	Any individual who performs services for an employer for consideration.
Employer	Any business, including the Town of Randolph or any agency thereof, which regularly uses the services of two (2) or more employees.
Individual	An employee, volunteer or any other person who patronizes an area where tobacco products are sold.
Permittee for Location & Sale	Any sole proprietorship, partnership, joint venture, corporation or other place of business including retail establishments and bars that have been issued a permit by the Town of Randolph Health Department regulating the location and sale of tobacco products in the Town of Randolph.

Photographic Identification	A document containing a person's photographic likeness, and date of birth such as found in, but not limited to, a valid Massachusetts driver's license, Massachusetts identification card issued by the Registry of Motor Vehicles, or valid United States passport.
Retailer	For the purpose of these regulations, any retail store utilized for the sale of tobacco products and accessories.
Self-service	A display from which individual packages or cartons of manufactured nicotine containing products may be selected by a customer.
E-Cigarette-	Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.
Nicotine Delivery Product:	Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.
Private Club:	Any not-for-profit entity created and organized pursuant to M.G.L. Chapter 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather is distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If the private club holds an alcoholic beverage license, said license shall be a "club license" or a "war veterans club license" as defined in M.G.L. Ch. 138, §12 and by the Massachusetts Alcohol Beverage Control Commission. Said license is subject to the terms set forth by the local licensing authority.

- Smoking: The inhaling, exhaling, burning, holding or carrying of any lighted cigar, cigarette, pipe, or other lighted tobacco product in any form or other tobacco products or non-tobacco products designed to be combusted and inhaled.
- Smoking bar: An establishment that is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".
- Tobacco Products: Products containing tobacco in any of its forms including but not limited to cigarettes, cigars, smokeless tobacco, pipe tobacco or snuff.
- Smoking: The lighting of any cigar, cigarette, pipe or other tobacco Product or having possession of any lighted cigar, cigarette, Pipe or other tobacco product.

### Section III

#### TOBACCO SALES TO MINORS PROHIBITED

##### A. Identification Required

No retailer shall sell or permit to be sold cigarettes or other tobacco products to anyone under the age of eighteen (18). Additional, retailers must request to see a customer's photo identification bearing the customer's date of birth before selling cigarettes or other tobacco products to anyone who has not yet reached his or her twenty-seventh (27<sup>th</sup>) birthday.

##### B. Permit for Location and Sales of Tobacco

As of January 1, 1999, and upon receipt of an application and fee from a retailer, the Randolph Board of Health will issue a "Permit for location and Sales" that will specify the name, address and approved location for retailers who sell tobacco products.

As of January 1, 1999, all retailers who sell tobacco products will be required to hold and maintain a valid "Permit for Location and Sales" from the Randolph Board of Health for each location at which tobacco products are sold. Any person or entity selling tobacco products without said permit shall be fined according to Section V, until such permit is issued by the Randolph Board of Health or its designated agent(s).

After receiving said permit, the merchant will receive signage from The Board of Health reading "Sale of cigarettes or any tobacco products to persons under age eighteen (18) is illegal, M.G.L. chapter 270, Sections 6 & 7." Any merchant not posting said signage will be in non-compliance of this regulation and subject to penalties per Section V.

### Section III (continued)

The term for the permit shall be for one calendar year unless suspended or revoked. The initial permit shall be in effect from January 1, 1999, to December 31, 1999. Any permit issued after January 1 will not be prorated. The fee for one calendar year, or fraction thereof, of a tobacco retailer's "Permit for Location and Sales" shall be one hundred dollars (\$100.00).

A "Permit for Location and Sales" is non-transferable. A new Permit must be issued to a tobacco retailer who changes locations.

Applications for renewal of a "permit for Location and Sales" shall be filed in accordance with the administrative procedures established by vote of the Randolph Board of Health. The required fee must accompany each application.

During such time that a "Permit for Location and Sales" of tobacco products has been suspended for violations of this regulation, all tobacco products must be removed from all sales areas and kept under lock and key or removed from the premises.

#### C. Out-of-Package Sales

As of January 1, 1999, no person or entity may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes.

#### D. Free Distribution/Samples

No person or business shall distribute or cause to be distributed any free samples of cigarettes or any other tobacco products.

#### E. Self-Service Displays

As of January 1, 1999, self-service displays of all tobacco products are Prohibited in the Town of Randolph except when such displays are Located in facilities where the retailer ensures in writing to the Randolph Board of Health that no person younger than eighteen (18) Years of age is present or permitted to enter at any time. Counter Displays which prohibit self-service are permitted within the Town of Randolph.

### Section III (continued)

F. Sales by Employees

No commercial entity selling tobacco products shall allow any employee to see cigarettes or other tobacco products until such employee reads the Randolph Board of Health's regulations regarding the sale of tobacco and signs a statement, copy of which will be placed on file in the office of the employer, that he/she has read the regulations.

G. Smoking bars are prohibited in the Town of Randolph.

H. Nicotine Delivery Products Sales are prohibited for persons under 18 year old.

I. All self-service displays of tobacco products and/or Nicotine Delivery Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

1. Tobacco Vending Machines and Roll-Your-Own Machines are prohibited.

2. All tobacco vending and or Nicotine Delivery Product machines are prohibited.

|

## Section IV

### ENFORCEMENT

- A. It shall be the responsibility of the permit holder to assure compliance with all sections of these regulations pertaining to the place of business. Failure to do so shall be a violation of the "Permit for location and Sales".
- B. Enforcement of these regulations shall be by the Randolph Board of Health and/or its designated agent(s).
- C. Any citizen who desires to register a complaint of non-compliance with these rules and regulations of with M.G.L. Chapter 270 sections 6 and 7 may do so in writing to the Randolph Board of Health.
- D. The Board of Health shall issue a written "Notice of Non-Compliance" citing any non-compliance, the corrective action to be taken within ten (10) working days of receipt of the Notice of Non-Compliance; and the right to a file a written request for a hearing before the Board of Health in accordance with section IV (F).
- E. All 'Notices of Non-Compliance' shall be sent by certified mail to the Holder of the "Permit for Location and Sales".

#### Section IV (continued)

- F. The holder of a "Permit for Location and Sales" receiving a non-compliance notice may request a hearing before the Randolph Board of Health. Said request shall be in writing and filed with the Board of Health within seven (7) calendar days of receipt of the written notice of non-compliance.
- G. The Board of Health shall schedule the requested hearing within Twenty-one (21) calendar days of receipt of the written request of a Hearing.
- H. Following the hearing, the Board of Health shall uphold, amend or rescind the penalty noted in the Notice of Non-Compliance. Written notice of the Board of Health's action shall be given to the holder of the "Permit for Location and Sales".

#### Section V

##### PENALTIES, FINES SUSPENSION AND/OR RECVOCAION OF PERMIT

- A. A holder of a "Permit for Location and Sales" in violation of any of the provisions of these regulations shall receive:
  - (1) In the case of a first violation of any section of these rules and regulations, suspension of the "Permit for Location and Sales" shall be for a period of three (3) consecutive days and a fine of one-hundred dollars (\$100.00), except where tobacco sales are made without a "Permit for Location and Sales" then the seller will be subject to a fine of an additional fifty dollars (\$50.00) per day until a permit application is received by the Randolph Board of Health.
  - (2) In the case of a second violation within twenty-four (24) months, a suspension of the "Permit for Location and Sales" shall be for a period of twenty-one (21) consecutive days and a fine of two-hundred dollars (\$200.00).
  - (3) In the case of a third violation within twenty-four (24) months, suspension of the "Permit for Location and Sales" shall be for a period of ninety (90) days and a find of three hundred dollars (\$300.00).



## Section V (continued)

During such time that a "Permit for Location and Sales" of tobacco products has been suspended for violations of this regulation, all tobacco products must be removed from the premises. Any person or entity selling any tobacco products without said permit shall be fined fifty dollars (\$50.00) per day until said permit is issued or reinstated by the Randolph Board of Health or its designated agent(s).

All associated costs could be charged against the violator if found as such and shall not be limited to court costs, fees, or any associated costs.

Failure to pay fines will result in revocation of permit.

## Section VI

### HEARINGS

The Randolph Board of Health shall provide notice to the permit holder of the intent to suspend or revoke a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Randolph Board of Health's decision and the reasons therefore, in writing. All tobacco products shall be removed from the premises upon suspension of the tobacco sales permit. Failure to remove said products shall constitute a separate violation.

## Section VII

### OTHER APPLICABLE LAWS

These regulations shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes, regulations or statutes.

## Section VIII

### SEVERABILITY

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, fine or suspension which previously has been issued.

Section XI

EFFECTIVE DATE

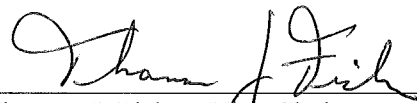
These regulations shall take effect on January 1, 1999.

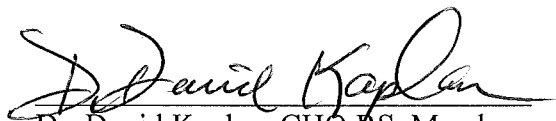
Regulations amended on Monday, April 5<sup>th</sup>, 2010 effective July 1<sup>st</sup>, 2010

Regulations amended on Monday, May 4<sup>th</sup>, 2015 effective July 1<sup>st</sup>, 2015

FOR THE BOARD OF HEALTH

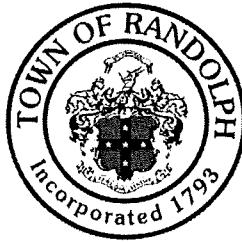
  
Mark Kittredge, Chairman

  
Thomas J. Fisher, Vice Chairman

  
Dr. David Kaplan, CHO RS, Member

\_\_\_\_\_  
Esther Muhammad RN, Member

\_\_\_\_\_  
Nellie Brown Janga BS, Member



## **Town of Randolph, Massachusetts**

**Board of Health**

41 SOUTH MAIN

RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

**FAX (781) 961-0927**

## **PRIVATE WATER SUPPLY REGULATIONS**

**Town of Randolph**

**Board of Health**

**Robert Eldridge, Chairman**

**Thomas J. Fisher, Co-Vice Chairman**

**Richard Brown, Co-Vice Chairman**

**DATE**

**1998**

## RANDOLPH BOARD OF HEALTH

### PRIVATE WATER SUPPLY REGULATIONS

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3.0	<u>DEFINITIONS</u>
4.0	<u>PRIVATE WELL REGISTRATION</u>
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## 1.00 PURPOSE

These regulations are intended to protect the public health and general welfare by ensuring that Private Wells are constructed and maintained in a manner that will protect the quality of the groundwater derived from Private Wells and to protect the groundwater resources of Randolph so that the consuming public can be assured of safe and healthy water.

## 2.00 AUTHORITY

These regulations are adopted by the Randolph Board of Health, as authorized by Massachusetts General Laws, Chapter 111, Section 31 and supersede all previous regulations adopted by the Board of Health relative to the construction of Private Wells. These regulations shall be construed in each and every instance in a manner consistent with the purpose stated herein and shall not be construed to relieve any individual or entity of any duty, obligation or restriction imposed by Massachusetts General Laws, the Code of Massachusetts Regulations or any other law, regulation or ordinance relative to the installation, maintenance or protection of Private Water Supplies.

## 3.00 DEFINITIONS

**Abandoned Well:** A Private Well that in the opinion of the Board meets any of the following criteria:

- (1) Construction was terminated prior to completion of the Private Well;
- (2) The Private Well owner has notified the Board of Health that use of the Private Well has been permanently discontinued;
- (3) The Private Well has been out of service for at least three years;
- (4) The Private Well is a potential hazard to public health or safety and the situation cannot be corrected;
- (5) The Private Well is in such a state of disrepair that its continued use is impractical; or
- (6) The Private Well has the potential for transmitting Contaminants from the land surface into an Aquifer or from one Aquifer to another and the situation cannot be corrected.

**Agent:** Any Person designated and authorized by the Board to execute these regulations. The Agent shall have all the authority of the appointing Board and shall be directly responsible to the Board and under its direction and control.

**Alteration:** A change in the type of construction or configuration of a private water system, including but not limited to, adding a disinfection or treatment device, converting a water well with a buried seal to a well with a pitless adapter, extending a distribution system, converting a Private Well using a well pit to a Private Well with a pitless adapter, extending the Casing above ground, deepening a Private Well, changing the type of pumping equipment when that requires making new holes or sealing or plugging existing holes in the Casing or wall of a Private Well, and repairing, extending or replacing any portion of the inside or outside Casing or wall.

**Applicant:** Any Person who intends to have a Private Well constructed or altered.

**Aquifer:** A water bearing geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

**Artesian Aquifer:** An aquifer that is bounded above and below by impermeable materials or materials of distinctly lower permeability than the Aquifer itself. The water in an Aquifer confined in this manner will rise in a drilled hole or well Casing above the point of initial penetration (above the bottom of the confining, or impermeable, layer overlying the Aquifer).

**Artesian Well:** A Private Well producing from an Artesian Aquifer. The term includes both flowing and nonflowing Private Wells.

**Board:** The Board of Health of Randolph, Massachusetts or its authorized Agent.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Casing:** Impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in a Private Well.

**Certified Laboratory:** Any laboratory that has full certification by the Department of Environmental Protection as provided in the most recent edition of "Certification Status of Commercial Environmental Laboratories."

**Consolidated Formation:** Any geologic formation in which the earth

materials have become firm and coherent through natural rock forming processes. The term is used interchangeably with the word "bedrock" and includes, but is not limited to, basalt, granite, limestone, sandstone, and shale.

**Contaminant:** Any physical, chemical, biological or radiological substance or matter in water which, in the opinion of the Board of Health or other regulating agency, would present a threat to the public health.

**Contamination:** The presence of any physical, chemical, biological or radiological substance or matter in water at a concentration and/or for a duration or anticipated duration which, in the opinion of the Board of Health or other regulating agency, would present a threat to the public health.

**Cross Connection:** Any physical connection between two sources of water that in the opinion of the Board may allow the water to flow from one source to the other.

**Drilled Well:** A Private Well in which the hole is drilled using means such as rotary, cable tool or augers into the Consolidated Formation.

**Driven Well:** A Private Well in which the hole is driven using means such as rotary, cable tool or augers into the Unconsolidated Formation.

**Dug Well:** A Private Well in which the hole is excavated using means such as a shovel, backhoe or any other means other than those employed in creating Drilled Wells or Driven Wells as defined herein.

**Foundation Wall:** A wall below the floor nearest grade serving as a support for a wall, pier, column or other structural part of a Building.

**Nonpotable Well:** Any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water not intended for human consumption.

**Person:** An individual, corporation, company, association, trust or partnership.

**Potable Well/Potable Water Supply:** Any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption.

**Private Water Supply/Private Well:** Any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply

water not subject to regulation by 310 CMR 22.00.

**Pumping Test:** A procedure used to determine the characteristics of a Private Well and adjacent Aquifer by installing and operating a pump.

**Subsurface Sewage Disposal System:** A Subsurface System consisting of any or all of a septic tank, Leaching Facility (including reserve area) and the piping starting at the exterior foundation wall of the Structure connecting all of the various parts of the system, that is designed and constructed for the purpose of disposing of the sanitary sewage on a lot generated by the Structure on that lot.

**Static Water Level:** The level of water in a Private Well under non-pumping conditions.

**Structure:** Anything constructed or erected at a fixed location on the ground and supported by a foundation wall to give support or provide shelter for any common use and occupancy.

**Unconsolidated Formation:** Any naturally occurring uncemented, unlithified material such as sand, gravel, clay or soil.

**Water table:** Water found in cracks, fissures and pore spaces in the Zone of Saturation below the ground surface.

**Watertight:** A condition which does not allow the entrance, passage or flow of water or other fluids under normal operating conditions.

**Well Driller:** A Person who charges a fee for digging or drilling a Private Well, or a Person who advertises for hire the availability to dig or drill Private Wells within the Commonwealth of Massachusetts.

**Zone of Saturation:** The zone below the Water Table in which all interstices are filled with groundwater.

#### **4.00 PRIVATE WELL REGISTRATION**

4.01 Property owners shall register all Private Water Supplies (Private Wells), both Potable and Nonpotable with the Board of Health.

#### **5.00 PRIVATE WELL CONSTRUCTION PERMIT**



5.01 The property owner or his designated representative shall obtain a permit from the Board of Health prior to the commencement of construction of a Private Well.

5.02 Each permit application to construct a Private Well shall include the following:

(1) The property owner's name and address;

(2) The Well Driller's name and proof of valid D.E.M. state registration;

(3) A plan with a specified scale, signed by a registered surveyor or engineer, showing the location of the proposed Private Well in relation to existing or proposed above or below ground structures;

(4) A description and location of all existing and proposed structures as well as location of any potential source of pollution within 500' of the Private Well;

(5) Proof that the owner of any property abutting the Applicant's property has been notified of the Applicant's intention to install a Private Well;

(6) A permit fee shall be required as established by the Board.

5.03 The permit shall be on site at all times that work is taking place. Each permit shall expire one (1) year from the date of issuance unless revoked for cause. Permits may be extended for one additional Six (6) month period provided that a written request is received by the Board prior to the one year expiration date. No additional fee shall be charged for a permit extension, provided there is no change in the plans for the proposed Private Well.

5.04 Private Well Construction Permits are not transferable.

#### **6.00. WATER SUPPLY CERTIFICATE**

6.01 The issuance of a Water Supply Certificate by the Board shall certify that the Private Well may be used as a drinking water supply. A Water Supply Certificate must be issued for the use of a Private Well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the Private Well.

6.02The following shall be submitted to the Board of Health to obtain a Water Supply Certificate:

- (1)A Private Well Construction Permit;
- (2)A copy of the *Water Well Completion Report* as required by the Division of Water Resources (CMR 313, section 3.00);
- (3)A copy of the Pumping Test Report required pursuant to **Section 8.00** of these regulations;
- (4)A copy of the Water Quality Report required pursuant to **Section 9.00** of these regulations.

6.03Upon the receipt and review of the above documents, the Board shall make a final decision on the application for a Water Supply Certificate. A final decision shall be in writing and shall comprise one of the following actions:

- (1)Issue a Water Supply Certificate;
- (2)Deny the Applicant a Water Supply Certificate and specify the reasons for the denial;
- (3)Issue a conditional Water Supply Certificate with those conditions which the Board deems necessary to ensure fitness, purity and quantity of the water derived from that Private Well. Said conditions may include, but not be limited to requiring treatment or additional testing of the water.

#### 7.00 **PRIVATE WELL LOCATION AND USE REQUIREMENTS**

7.01In locating a Private Well, the Applicant shall identify all potential sources of Contamination which exist or are proposed within five hundred (500) feet of the Private Well. When possible, the Private Well shall be located upgradient of all potential sources of Contamination and shall be as far removed from potential sources of Contamination as possible, given the layout of the premises. A Private Well must be located on the lot which it serves.

7.02Each Private Well shall be accessible for repair, maintenance, testing and inspection. The Private Well shall be completed in a water bearing formation that will produce the required quantity of water under normal

Operating conditions.

7.03 All Private Wells must conform to the minimum setback distance measured in feet and as set forth below: Countless variances have been granted by the Board of Health.

	Potable Well	Non-potable Well
Property Line	25'	25'
Street Layout	25'	25'
Subsurface Sewage Disposal System	250'	100'
Other Wells	50'	50'
Subsurface Drain	25'	25'
Underground Oil/Gas Tanks and Distribution Lines	100'	100'
Normal High Water Mark of any Lake Pond, River, Stream, Ditch or Slough	25'	25'
Building Sewer/Sewer Mains	250'	100'

1 When possible, Private Water Supplies shall be located in areas above the 100-year floodplain.

7.04 Water supply lines shall be installed at least ten (10) feet from and eighteen (18) inches above any sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be constructed of class 150-pressure pipe and shall be pressure tested to assure water tightness.

7.05 The Board reserves the right to impose minimum lateral distance requirements from other potential sources of Contamination not listed above. All such special Private Well location requirements shall be listed in writing, as a condition of the Well Construction Permit.

7.06 No Private Well, or its associated distribution system, shall be connected to either the distribution system of a public water supply system

or any other water distribution system.

#### **8.00 WATER QUANTITY REQUIREMENTS FOR POTABLE WELLS**

8.01 The Applicant shall submit to the Board for review and approval a copy of the D.E.M./Division of Water Resources *Water Well Completion Report*.

8.02 Test pumping shall be conducted at a rate at least equal to the pumping rate expected during normal Private Well use. The pump test for a **Potable Well** shall be conducted for a minimum of four (4) hours. The Board of Health may also require additional testing: The Applicant shall submit to the Board for review and approval a copy of the D.E.M./Division of Water Resources *Water Well Completion Report*.

<b>Depth of Water Column in well within 15 minutes of Completion of Pump Test</b>	<b>Yields-Gal/min</b>
Less than 150'	1.67/bedroom
150' to 300'	1.00/bedroom
Greater than 300'	0.80/bedroom

8.03 In all cases, Private Wells used as a Potable Water Supply must yield a minimum of 2.5 gallons per minute.

8.04 No Private Well used for a Potable Water Supply shall be approved if the average vertical depth of storage in the Private Well is less than 15' at the time of installation, or if the water level in the Private Well fails to recover to eight-five (85) percent of the prepumped Static Water Level within a twenty-four (24) hour period.

8.05 Installation of a water storage reservoir, excluding an approved water pressure tank, requires approval of the Board of Health or its Agent.

## 9.00 WATER QUALITY TESTING REQUIREMENTS

9.01 After the Private Well has been completed and disinfected, and prior to using it as a drinking water supply, a water quality test shall be conducted.

9.02 A water sample shall be collected either after purging three (3) well volumes or following the stabilization of the pH, temperature and specific conductance in the pumped Private Well. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.

9.03 The water quality test, utilizing EPA approved methods and DEP maximum acceptable limits for drinking water testing and not methods used for analyzing wastewater, shall be conducted by a Certified Laboratory and shall include analysis for the following parameters:

Parameter	Potable	NonPotable
coliform bacteria	Yes	Yes
nitrogen (nitrate)	Yes	Yes
turbidity	Yes	No
Volatile Organic Compounds (V.O.C.s)	Yes	No
Sodium	Yes	No
Alkalinity	Yes	Yes
Calcium	Yes	No
Chloride	Yes	No
Color	Yes	No
Hardness	Yes	No
Iron	Yes	No <sup>1</sup>
Lead	Yes	No
Magnesium	Yes	No
Manganese	Yes	No <sup>1</sup>
nitrogen (ammonia)	Yes	No
nitrogen (nitrite)	Yes	No
odor	Yes	No
pH	Yes	Yes
potassium	Yes	No
sediment	Yes	No
sulfate	Yes	No
total dissolved solids	Yes	No

Although not required, it is recommended to determine these parameters to avoid staining of structures around irrigated areas that are associated with iron and manganese. <sup>1</sup>

9.04 Following a receipt of the water quality test results, the Applicant shall

submit a water quality report to the Board which includes:

- (1) A copy of the Certified Laboratory's test results;
- (2) The name of the individual who performed the sampling;
- (3) Where in the system the water sample was obtained;
- (4) Water sample chain of custody.

9.05 The Board reserves the right to require retesting of the above parameters, or testing for additional parameters when, in the opinion of the

Board, it is necessary due to local conditions or for the protection of the public health, safety and welfare. All costs and laboratory arrangements for the water testing are the responsibility of the Applicant.

***9.06 Prior to selling, conveying, or transferring title to real property, the owner shall have tested the water of every private drinking water well serving that property. A water sample from each well shall be submitted to a Massachusetts certified laboratory for testing for the parameters listed in the Water Quality section of this document. This water quality testing shall have been performed not more than one (1) year prior to transfer of the property. Results of the water quality testing shall be submitted to the Board of Health prior to property transfer.***

***In addition, the owner shall give copies of all available water quality test results of which he/she has knowledge (regardless of age of results) for the private well in question to any buyer and/or broker involved in the transfer. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer before the property is put under agreement.***

#### **10.00 PRIVATE WELL CONSTRUCTION REQUIREMENTS**

10.01 Pursuant to 313 CMR 3.00, no Person in the business of digging or drilling shall construct a Private Well unless registered with the D.E.M./Division of Water Resources.

10.02 Any work involving the connection of the Private Well to the distribution system of the residence must conform to the local plumbing code. All electrical connections between the Private Well and the pump controls shall be made pursuant to an electrical permit. All piping between the Private Well and the storage and/or pressure tank in the house must

be made by a pump installer or registered Well Driller, including the installation of the pump and appurtenance in the Private Well or house.

10.03A physical connection is not permitted between a water supply which satisfies the requirements of these regulations and another water supply that does not meet the requirements of these regulations without prior approval of the Board.

#### 10.04 General Private Well Design and Construction

(a) All Private Wells shall be designed such that:

(1) The materials used for the permanent construction are durable in the specific hydrogeologic environment that occurs at the Private Well site;

(2) No unsealed openings will be left around the Private Well that could conduct surface water or contaminated groundwater vertically to the intake portion of the Private Well or transfer water from one formation to another.

(b) Permanent construction materials shall not impart toxic substances, taste, odors or bacterial Contamination to the water in the Private Well.

(c) The driller shall operate all equipment according to generally accepted standards in the industry and shall take appropriate precautions to prevent damage, injury or other loss to Persons and property at the drilling site.

(d) Private Well construction design shall insure that surface water does not enter the Private Well through the opening or by seepage through the ground surface. Construction site waste materials shall be disposed of in such a way as to avoid Contamination of the Private Well and the Aquifer. During any time that the Private Well is unattended, the Well Driller shall secure the Private Well in a way as to prevent either tampering with the Private Well or the introduction of foreign material into the Private Well.

(e) Private Well yield shall be measured and recorded at least every fifty (50) feet during drilling.

(f) All water used for drilling, well development, or to mix a drilling fluid shall be obtained from a source which will not result in Contamination of the Private Well or the water bearing zones penetrated by the Private Well. Water shall be conveyed in clean

sanitary containers or water lines and shall be chlorinated to an initial concentration between 50 mg/l and 100 mg/l. A free-chlorine residual of 10 mg/l shall be maintained in any water used at the drill site. Water from wetlands, swamps, ponds and other similar surface features shall not be used.

(g)All drilling equipment, including pumps and down hole tools, shall be cleaned and disinfected prior to drilling each new Private Well or test hole.

(h)All drilling fluids shall be nontoxic. Drilling fluid additives shall be stored in clean containers and shall be free of material that may adversely affect the Private Well, the Aquifer, or the quality of the water to be pumped from the Private Well; surfactants should be biodegradable. The use of biodegradable organic polymers shall, when possible, be avoided.

(i)All Private Wells, including those that have been hydrofractured, shall be developed in order to remove fine materials introduced into the pore spaces or fractures during construction. One or more of the following methods shall be used for development: overpumping, backwashing, surging, jetting, airlift pumping.

(j)The completed Private Well shall be sufficiently straight so that there will be no interference with installation, alignment, operation or future removal of the permanent well pump.

#### 10.05 Well Casings

(a)Private Wells shall be constructed using either steel or thermoplastic well Casing. The Casing shall be of adequate strength and durability to withstand anticipated formation and hydrostatic pressures; the forces imposed on it during installation; and the corrosive effects of the local hydrogeologic environment.

(b)Steel Casing shall be used with cable tool drilling or when the Casing is installed in an open drillhole in which formation materials may suddenly collapse against the Casing.

(c)All Casing used in the construction of Private Wells shall be free of pits, breaks, gouges, deep scratches, and other defects. If previously used Casing is installed, it shall be decontaminated and disinfected prior to installation.

(d)Installation of water well Casing shall be done in a manner that does not alter the shape, size or strength of the Casing and does



not damage any of the joints or couplings connecting sections of the Casing. A standard drive shoe shall be used when Casing is installed. The drive shoe shall be either welded or threaded to the lower end of the string of Casing and shall have a beveled metal cutting edge forged, cast or fabricated for this specific purpose.

(e) Upon completion of the installation procedure, the entire length of the Casing above the intake shall be watertight.

(f) For Private Wells completed above grade, the Casing shall extend at least twelve (12) inches above the finished ground surface unless the well is located in a floodplain. For Private Wells constructed in a floodplain, the Casing shall extend at least two (2) feet above the level of the highest recorded flood. The top of the Casing shall be reasonably smooth and level.

#### 10.06 Steel Casing

(a) Steel Casing shall consist of schedule 40 pipe that complies with materials standards approved by the American Water Works Association (AWWA).

(b) Segments of steel Casing shall be coupled by using threaded Casing, couplings, or by welding the joint. Recessed or reamed and drifted couplings shall be used on threaded Casing and no threads shall be left exposed once the joint is completed. When welded Casing joints are used, they shall conform to the most recent revision of AWWA C206, "Standard for Field Welding of Steel Water Pipe." The weld shall be at least as thick as the wall thickness of the well Casing and shall be fully penetrating. When completed, a welded Casing joint shall have tensile strength equal to or greater than that of the Casing.

#### 10.07 Thermoplastic Casing

(a) Thermoplastic Casing used in the construction of Private Wells shall be capable of withstanding pressures equal to or greater than 200 pounds per square inch and shall conform to the most recent revision of ASTM Standard F480, "Specification for Thermoplastic Water Well Casing Pipe and Coupling Made in Standard Dimension Ratios (SDR)." In addition, the Casing and couplings shall meet the requirements of the most recent revision of National Sanitation Foundation Standard Number 14, entitled "Plastics Piping System Components and Related Materials." Materials complying with Standard Number 14 can be recognized by the marking "NSF-WC."

(b) Thermoplastic Casing shall be stored in such a manner as to prevent deformation, sagging, or bending. Storage of thermoplastic Casing and couplings in direct sunlight shall be avoided.

(c) Thermoplastic Casing shall be installed only in an oversized drillhole and shall not be driven, pushed or forced into a formation. Thermoplastic Casing shall be joined by mechanical means only. When pulling back thermoplastic well Casing to expose a well screen, the force applied shall not exceed the Casing weight.

#### 10.08 Well Screen

(a) A well screen is necessary for all Drilled Wells that are completed in Unconsolidated Formations. Private Wells completed in bedrock do not require a screen unless the bedrock formation is brittle in nature or has a potential for collapse. The well screen aperture openings, screen length and diameter shall be selected so as not to limit the Aquifers' water yielding characteristics while preventing access of soil particles that would detract from Private Well efficiency and yield.

#### 10.09 Grouting and Sealing

(a) Private Wells drilled in bedrock shall be grouted from the top of the weathered rock interface to fifteen (15) feet into competent bedrock. Either neat cement grout or Sand cement grout shall be used and it shall be emplaced using standard grouting techniques as described in the DEP Private Well Guidelines.

(b) All Private Wells completed with the Casing extending above grade shall have a surface seal designed to eliminate the possibility of surface water flowing down the annular space between the well Casing and the surrounding backfilled materials. The surface seal shall extend to a depth below the local frost line.

#### 10.10 Pumps and Pumping Equipment

(a) All pumps shall be installed either below the frost line with a pitless adapter or in some other heated and protected sanitary location. Aboveground pumps shall be installed in sheltered, dry, accessible locations and shall be protected from freezing.

(b) Shallow-well pumps shall be installed as near the Private Well or Private Water Supply as possible to minimize suction lift.

(c) Deep-well reciprocating pumps shall be installed directly over the

Private Well. Submersible and helical rotor pumps must be installed in the Private Well. A deep-well jet pump may be offset from the Private Well.

#### 10.11 Wellhead Completion

(a) Well Casing shall not be cut off below the land surface unless a pitless adapter or a pitless unit is installed; or an Abandoned Well is being permanently plugged. Well Casing terminating above-grade shall extend at least twelve (12) inches above the predetermined ground surface at the wellhead except when the Private Well is located in a floodplain. When a Private Well is located in a floodplain, the well Casing shall extend at least two (2) feet above the level of the highest recorded flood. The top of the well Casing shall be reasonably smooth and level.

(b) Any Private Well that does not terminate in the base of a pump shall be equipped with a sanitary seal or watertight cap designed to prevent surface water and foreign matter from entering the Private Well. A flowing Artesian Well shall be equipped with a shut-off valve and backflow preventer so that the flow of water can be stopped completely when the Private Well is not in use.

(c) All Private Wells, except flowing Artesian Wells, shall be vented. The opening of the vent pipe shall be covered with a 24 mesh corrosion resistant screen and shall be large enough to prevent water from being drawn into the Private Well through electrical conduits or leaks in the seal around the pump when the pump is turned on. The vent pipe shall terminate in a downward position at or above the top of the Casing.

(d) All connections to a well Casing made below ground shall be protected by either a pitless adapter or a pitless unit that complies with the most recent revision of National Sanitation Foundation Standard Number 56, entitled "Pitless Well Adapters."

(e) Above-grade connections into the top or side of a well Casing shall be at least Twelve (12) inches above the established ground surface or Two (2) feet above the level of the highest known flood, whichever is higher. Above-grade connections shall be sealed so that they are watertight.

(f) The ground immediately surrounding the well Casing shall be sloped downward and away from the Private Well in all directions to eliminate the possibility of surface water ponding.

#### 10.12 Disinfection

(a) Upon completion of Private Well construction, the Well Driller shall disinfect the Private Well. If a pump is to be installed by the Well Driller immediately upon completion of the Private Well, the Well Driller shall disinfect the Private Well and the pumping equipment after the pump has been installed.

(b) If the pump is not installed upon completion of the Private Well, the pump contractor shall, upon installation, disinfect the Private Well and the pumping equipment. The pump contractor shall also disinfect the entire water supply system after any maintenance or repair work is done on the pump.

(c) When a Private Well is disinfected, the initial chlorine concentration shall be 100 mg/l throughout the entire water column.

(d) For newly constructed or altered Private Wells in which the pump is not immediately installed, the chlorine concentration used to disinfect the Private Well shall be 100 mg/l. Upon installation of the pump, disinfection of the Private Well, the pumping equipment, and the distribution system, if connected, shall be accomplished with a chlorine concentration of 100 mg/l.

(e) The disinfectant solution shall remain, undisturbed, in the Private Well for a minimum of two (2) hours. After all the chlorine has been flushed from the Private Water Source system, a water sample shall be collected and submitted to a state Certified Laboratory. For new Private Wells, the sample shall be tested pursuant to Section 6.00 of these regulations. For Private Wells which have undergone repair, the sample shall be tested for coliform bacteria and any other parameters deemed appropriate by the Board.

#### 11.00 DECOMMISSIONING REQUIREMENTS

11.01 Abandoned Wells, test holes and borings shall be decommissioned so as to prevent the Private Well, including the annular space outside the Casing, from being a channel allowing the vertical movement of water.

11.02 The owner of the Private Well shall decommission the Private Well if the Private Well in the opinion of the Board meets any of the following criteria:

(1) Construction of the Private Well is terminated prior to completion of the Private Well;

(2)The Private Well owner notifies the Board that the use of the Private Well is to be permanently discontinued;

(3)The Private Well has been out of service for at least three (3) years;

(4)The Private Well is a potential hazard to public health or safety and the situation cannot be corrected;

(5)The Private Well is in such a state of disrepair that its continued use is impractical; or

(6)The Private Well has the potential for transmitting Contaminants from the land surface into an Aquifer or from one Aquifer to another and the situation cannot be corrected.

11.03 The property owner shall be responsible for ensuring that all Abandoned Wells and test holes or borings associated with Private Well installation are properly plugged. Only Well Drillers may plug Abandoned Wells, test holes and borings.

11.04 In the case of new Private Well construction, all test holes and borings shall be plugged before the Well Driller completes work at the site.

11.05 Abandoned Wells or borings shall be completely filled with a grout which cures with a final permeability of less than  $1 \times 10^{-7}$  cm/sec. Private Wells shall be plugged with neat cement grout, sand cement grout, concrete or bentonite grout.

11.06 Regardless of the type used, the grout:

(1)Shall be sufficiently fluid so that it can be applied through a tremie pipe from the bottom of the Private Well upward;

(2)Shall remain as a homogeneous fluid when applied to the subsurface rather than disaggregating by gravity into a two-phase substance;

(3)Shall be resistant to chemical or physical deterioration;

(4)Shall not leach chemicals, either organic or inorganic, that will adversely affect the quality of the groundwater where it is applied.

11.07 The plugging materials shall be introduced at the bottom of

the Private Well or boring and placed progressively upward to a level approximately four (4) feet below the ground surface. Sealing materials shall never be poured from the land surface into the Private Well, borehole, or annular space being sealed.

11.08 The Well Driller shall emplace the surface seal no sooner than 24 hours after the Private Well or boring has been plugged. Before the surface seal is placed, Casing remaining in the hole shall be cut off. The remaining four (4) feet at the top of the Private Well or boring shall then be filled with concrete. The top of the seal shall comprise a concrete slab above the top of the plugged Private Well or boring. This concrete slab shall be at least six (6) inches thick and shall be at least two (2) feet greater in diameter than the well Casing or borehole wall.

#### **12.00 PRIVATE WELL INSPECTION AT THE TIME OF TRANSFER**

12.01 At the time of real estate transfer, a well inspection will be performed which includes the location of the Private Well and the testing results in accordance with these regulations.

12.02 The Seller shall provide a copy of the Private Well location and test results to the Town of Randolph Health Department within thirty (30) days after the inspection has been completed and to the Buyer prior to the closing, but in no case less than twenty-four (24) hours prior to closing.

#### **13.00 ENFORCEMENT**

13.01 The Board shall investigate violations of these regulations and/or violations of any Water Supply Certificate conditions, and may take such actions as the Board deems necessary for the protection of the public health and the enforcement of these regulations.

13.02 If an investigation reveals a violation of these regulations, or the Water Supply Certificate conditions, the Board shall order the Private Well owner to comply with the violated provision(s).

13.03 These orders shall be in writing and served in the following manner:

(a) Personally, by any Person authorized to serve civil process;

**OR**

(b)By any Person authorized to serve civil process by leaving a copy of the order at the Private Well owner's last and usual place of abode;

**OR**

(c)By sending the Private Well owner a copy of the order by registered or certified mail, return receipt requested, if the Private Well owner is within the Commonwealth;

**OR**

(d)If the Private Well owner's last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it for at least three (3) out of five (5) consecutive days in one or more newspapers of general circulation within the municipality wherein the Private Well affected is situated.

#### **14.00 HEARING**

14.01The Private Well owner to whom any order has been served may request a hearing before the Board by filing with the Board within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. Upon receipt of such petition the Board shall set a time and place for such hearing and shall inform the Private Well owner thereof in writing. The hearing shall be commenced not later than thirty (30) days after the day on which the order was served. The Board, upon application of the Private Well owner, may postpone the date of hearing for a reasonable time beyond such Thirty (30) day period if in the opinion of the Board the Private Well owner has submitted a good and sufficient reason for such a postponement. At the hearing the Private Well owner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing, the Board shall sustain, modify or withdraw the order and shall inform the Private Well owner in writing of its decision. If the Board sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.

14.02Every notice, order or other record prepared by the Board in connection with the hearing shall be entered as a matter of public record in

the office of the clerk of the town or in the office of the Board.

14.03 If a written petition for a hearing is not filed with the Board within Seven (7) days after the day an order has been served or if after a hearing, the order has been sustained in any part, each day's failure to comply with the order as issued or modified may constitute an additional offense.

#### **15.00 APPEAL**

15.01 Any Person aggrieved by the final decision of the Board may seek relief therefrom within Thirty (30) days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

#### **16.00 PENALTIES**

16.01 Any Person who violates any provision of these regulations or who fails to comply with any order by the Board, for which a penalty is not otherwise provided in any of the General Laws, shall upon conviction be fined not less than ten (\$10.00) nor more than five hundred (\$500.00) dollars. Each day's failure to comply with an Order may constitute a separate violation.

#### **17.00 VARIANCE**

17.01 The Board may, after a public hearing, grant a variance to the application of these regulations when, in its opinion, the enforcement thereof would do manifest injustice, and the Applicant has demonstrated that the equivalent degree of protection will still be provided to the Private Water Supply without strict application to particular provisions of these regulations.

17.02 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The writing shall contain all the information needed to assure the Board that, despite the issuance of a variance, the public health environment will be protected. Notice of the hearing shall be given by the Applicant or the Applicant's Agent, at least ten (10) days prior thereto, by certified mail to all abutters within 250 feet of the property line upon which the Private Well is located. The notice shall include a statement of the variance sought and the reasons therefore. Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reasons for denying the variance. A copy of each variance shall be available to the public at all reasonable



hours in the office of the Board. Any person aggrieved by the decision of the Board may appeal said decision within thirty (30) days in a Court of Competent Jurisdiction.

17.03 Any variance may be subject to such qualification, revocation, suspension, condition or expiration as is provided in these regulations or as the Board expresses in its grant of the variance. A variance may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof, has been notified in writing and has been given an opportunity to be heard, pursuant to Section 13.00 of these regulations.

#### 18.00 **SEVERABILITY**

18.01 If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain valid and effective.

#### 19.00 **EFFECTIVE DATE**

19.01 These regulations were adopted by vote of the Town of Randolph Board of Health, at their regularly scheduled meeting held on \_\_\_\_\_ and are to be in full force and effect on and after \_\_\_\_\_. Before said date, these regulations shall be published and a copy thereof be placed on file the Board of Health Office and filed with the Department of Environmental Protection, Division of Water Supply in Boston.

19.02 These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petition.

#### 20.00 **DISCLAIMER**

20.01 The issuance of a Water Supply Certificate shall not be construed as a guarantee by the Board or its Agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

EFFECTIVE DATE

These regulations shall take effect on January 1, 1998.

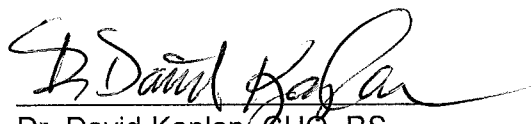
Amended on Monday, January 28<sup>th</sup> 2016 effective March 1<sup>st</sup>, 2016

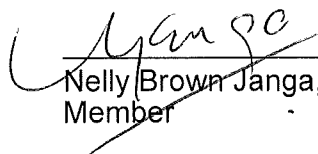
FOR THE BOARD OF HEALTH

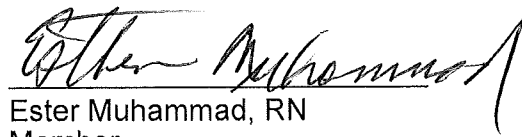
Date: February 29<sup>th</sup> 2016

  
Mark Kittredge  
Chair

\_\_\_\_\_  
Thomas Fisher  
Co-Vice Chair

  
Dr. David Kaplan, CHO, RS  
Member

  
Nelly Brown Janga, BS  
Member

  
Ester Muhammad, RN  
Member